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Rules and Regulations

Federal Register

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0334; Project Identifier MCAI–2020–01662–T; Amendment 39–21686; AD 2021–17–03]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to certain Airbus SAS Model A318–111, –112, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –231, –232, and –233 airplanes. As published, the AD number specified in the preamble and regulatory text is incorrect. This document corrects this error. In all other respects, the original document remains the same.

DATES: This correction is effective October 5, 2021.

The effective date of AD 2021–17–03 remains October 5, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 5, 2021 (86 FR 48485, August 31, 2021).

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0334.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* under Docket No. FAA–2021–0334; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION: AD 2021–17–03, Amendment 39–21686 (86 FR 48485, August 31, 2021) (AD 2021–17–03), requires repetitive inspections for cracking at the left- (LH) and right-hand (RH) sides of the fuselage skin at certain frames, and repair if necessary, as specified in European Union Aviation Safety Agency (EASA) AD 2020–0280, dated December 14, 2020 (EASA AD 2020–0280). That AD applies to certain Airbus SAS Model A318–111, –112, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –231, –232, and –233 airplanes.

Need for the Correction

As the AD was published, the AD number specified in the preamble and regulatory text is incorrect. AD 2021–17–03 incorrectly identified the AD number as 2017–17–03. The correct AD number for this AD is 2021–17–03.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0280 describes procedures for doing repetitive external general visual inspections or special detailed inspections (*i.e.,* phased array ultrasonic technology inspections of the external skin, or detailed inspections for primer/paint cracks and high frequency eddy current inspections of the internal skin) and repair for cracking at the LH and RH sides of the fuselage skin, above stringer 6 from FR35 to FR47. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Correction of Publication

This document corrects an error in two locations and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains October 5, 2021.

Since this action only corrects the AD number, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 [Corrected]

■ 2. The FAA corrects § 39.13 by correcting the airworthiness directive published at 86 FR 48485 (August 31, 2021) to read:

2021–17–03 Airbus SAS: Amendment 39–21686; Docket No. FAA–2021–0334; Project Identifier MCAI–2020–01662–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 5, 2021.

(b) Affected ADs

This AD replaces AD 2017–12–13, Amendment 39–18928 (82 FR 27983, June 20, 2017).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0280, dated December 14, 2020 (EASA AD 2020–0280).

(1) Model A318–111, –112, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of a crack found during an inspection of the pocket radius of the fuselage frame, and a determination that similar cracks may develop in nearby areas of the fuselage frame and that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address cracking of the pocket radius, which could lead to in-flight decompression of the airplane and possible injury to the passengers.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0280.

(h) Exceptions to EASA AD 2020–0280

(1) Where EASA AD 2020–0280 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (9) of EASA AD 2020–0280 specifies if any crack is found during any inspection to ''contact Airbus for approved repair instructions and accomplish those instructions accordingly,'' this AD requires if any cracking is found, the cracking must be repaired before further flight using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) Where paragraph (10) of EASA AD 2020–0280 specifies credit for actions ''in accordance with the instructions of an Airbus Repair Design Approval Sheet (RDAS), [and to] accomplish the next inspection of each repaired area in accordance with the instructions of, and within the compliance time as specified in, the applicable RDAS,'' this AD requires using ''in accordance with repair instructions approved, and within the compliance time specified in the repair approval, using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.''

(4) Where paragraph (11) of EASA AD 2020–0280 specifies terminating actions apply only if specified ''in the Airbus RDAS instructions for a repaired aeroplane,'' this AD requires using ''in repair instructions approved using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.''

(5) The ''Remarks'' section of EASA AD 2020–0280 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0280 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on October 5, 2021 (86 FR 48485, August 31, 2021).

(i) European Union Aviation Safety Agency (EASA) AD 2020–0280, dated December 14, 2020.

(ii) [Reserved]

(4) For EASA AD 2020–0280, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(5) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 *fr.inspection@nara.gov,* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on September 1, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–19245 Filed 9–1–21; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0137; Project Identifier MCAI–2020–00269–E; Amendment 39–21688; AD 2021–17–05]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca S.A.) Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2014–04–06 for all Safran Helicopter Engines,

S.A. (Safran Helicopter Engines) Arrius 2B1, 2B1A, 2B2, and 2K1 model turboshaft engines. AD 2014–04–06 required initial and repetitive inspections of the hydro-mechanical metering unit (HMU) high-pressure pump drive gear shaft splines, cleaning and inspections of the sleeve assembly splines, and replacement of the sleeve assembly on the affected high-pressure pump drive gear shaft or replacement of the HMU if the HMU fails inspection. This AD was prompted by in-flight shutdowns caused by interrupted fuel supply at the HMU. This AD requires revised inspections and continues to require cleaning of the sleeve assembly splines, and replacement of the sleeve assembly on the affected high-pressure pump drive gear shaft or replacement of the HMU if the HMU fails an inspection. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 12, 2021.

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

ADDRESSES: For service information identified in this final rule, contact Safran Helicopter Engines, S.A., Avenue du 1er Mai, 40220 Tarnos, France; phone: +33 (0) 5 59 74 45 11. 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–2021–0137.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0137; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7134; fax: (781) 238–7199; email: *wego.wang@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–04–06, Amendment 39–17764 (79 FR 9990, February 24, 2014), (AD 2014–04–06). AD 2014–04–06 applied to all Turbomeca S.A. Arrius 2B1, 2B1A, 2B2, and 2K1 model turboshaft engines. The NPRM published in the **Federal Register** on March 12, 2021 (86 FR 14017). The NPRM was prompted by in-flight shutdowns caused by interrupted fuel supply at the HMU. Since the FAA issued AD 2014–04–06, the manufacturer has published new service information that revises the inspections for certain HMUs, reduces compliance times for initial inspections, and allows application of non-cumulative tolerance of 10% of operating hours to be applied to the timing of the repetitive inspection of HMUs installed on certain engines. In the NPRM, the FAA proposed to continue to require cleaning of the sleeve assembly splines and replacing the HMU or the sleeve assembly on the affected high-pressure pump drive gear shaft if the HMU fails inspection. In the NPRM, the FAA also proposed to require initial and repetitive inspections of the HMU high-pressure pump drive gear shaft splines. The FAA is issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0033, dated February 25, 2020 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> A number of in-flight shut-down (IFSD) occurrences have been reported for ARRIUS 2 engines. The results of the technical investigations concluded that these events were caused by deterioration of the splines on the high pressure (HP)/low pressure (LP) pump assembly drive shaft of the HMU, which eventually interrupted the fuel supply to the engine.
>
> This condition, if not detected and corrected, could lead to further cases of engine IFSD, possibly resulting in forced landing with consequent damage to the helicopter and injury to occupants.
>
> To address these occurrences, Turboméca published MSB 319 73 2825 (up to version G) to provide instructions for inspection of the HMU and sleeve assembly. Consequently, EASA issued AD 2013–0082 to require repetitive inspections of the drive gear shaft splines of the HP pump, and, depending on findings, accomplishment of applicable corrective action(s).
>
> Since that [EASA] AD was issued, SAFRAN published the MSB to provide specific inspection instructions for HMU installed on a helicopter after 31 January 2013, to reduce the compliance time for the initial inspection of Group 1 engines that were not previously inspected in accordance with version G or later of the MSB, and to provide some operational margin before the first inspection in all possible scenarios.
>
> For the reason described above, this [EASA] AD retains the requirements of AD 2013–0082, which is superseded, and requires accomplishment of the actions in accordance with the instructions of the MSB, as defined in this [EASA] AD.

You may obtain further information by examining the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0137.

FAA's Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Community, EASA has notified the agency of the unsafe condition described in the MCAI and service information. The FAA is issuing this final rule because the agency evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Safran Helicopter Engines Mandatory Service Bulletin (MSB) No. 319 73 2825, Version J, dated March 15, 2019. This MSB specifies procedures for inspecting the HMU high-pressure pump drive gear shaft splines and cleaning and inspecting the sleeve assembly splines. 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**.

Per Safran Helicopter Engines standing practice at the time MSB 319 73 2825, Version J, was issued, MSB 319 73 2825, Version J, is undated. The issue

date for MSB 319 73 2825, Version J, appears on the Safran Helicopter Engines Arrius 2 B1 Service Bulletin Index, No. X 319 L5 980 2, dated December 11, 2020.

Costs of Compliance

The FAA estimates that this AD affects 194 engines installed on helicopters 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
Visual inspection of drive gear shaft splines; cleaning and inspection of sleeve assembly splines.	2 work-hours × $85 per hour = $170	$900	$1,070	$207,580

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 sleeve assembly on high-pressure pump drive gear shaft.	1 work-hour × $85 per hour = $85	$898	$983
Replace HMU	1 work-hour × $85 per hour = $85	45,000	45,085

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2014–04–06, Amendment 39–17764 (79 FR 9990, February 24, 2014); and

■ b. Adding the following new airworthiness directive:

2021–17–05 Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca S.A.): Amendment 39–21688; Docket No. FAA–2021–0137; Project Identifier MCAI–2020–00269–E.

(a) Effective Date

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

(b) Affected ADs

This AD replaces AD 2014–04–06, Amendment 39–17764 (79 FR 9990, February 24, 2014).

(c) Applicability

This AD applies to Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca S.A.) Arrius 2B1, 2B1A, 2B2, and 2K1 model turboshaft engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7320—Fuel Controlling System.

(e) Unsafe Condition

This AD was prompted by in-flight shutdowns caused by interrupted fuel supply at the hydro-mechanical metering unit (HMU). The FAA is issuing this AD to prevent interrupted fuel supply at the HMU. The unsafe condition, if not addressed, could result in engine in-flight shutdown, forced landing of the helicopter, damage to the helicopter and injury to occupants.

(f) Compliance

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

(g) Required Actions

(1) Within the compliance time specified in Table 1 to paragraph (g)(1) of this AD, as applicable, and before re-installation of the HMU after each removal from the engine, visually inspect the drive gear shaft splines of the high-pressure pump, and clean and inspect the sleeve assembly splines in accordance with paragraphs 2.4.2 and 2.4.3, or 4.4.2 and 4.4.3, as applicable, of Safran

Helicopter Engines Mandatory Service Bulletin (MSB) 319 73 2825, Version J, dated March 15, 2019.

Table 1 to Paragraph (g)(1)

HMU Group / Condition	Compliance Time
Group 1 / 150 HMU operating hours or more accumulated since new or since last overhaul.	Within 50 HMU operating hours after the effective date of this AD.
Group 1 / Less than 150 HMU operating hours accumulated since new or since last overhaul.	Before exceeding 200 HMU operating hours after the effective date of this AD.
Group 2	Within 500 HMU operating hours since the last inspection or since first installation of the HMU.

(2) Repeat the inspection required by paragraph (g)(1) of this AD at intervals not to exceed 500 HMU operating hours since the previous inspection.

Note 1 to paragraph (g)(2): A non-cumulative tolerance of 10% of HMU operating hours (hrs) may be applied to the timing of each repetitive inspection, with a maximum allowable tolerance of +50 HMU operating hrs. For example, counting from the initial inspection, the repeat inspections would occur at the following times, with the tolerance noted in parentheses; 500 HMU operating hrs (+50 hrs), 1000 HMU operating hrs (+50 hrs), 1500 HMU operating hrs (+50 hrs).

(3) If a rejectable indication is found during any inspection required by paragraphs (g)(1) or (2) of this AD, replace the sleeve assembly on the affected high-pressure pump drive gear shaft or replace the affected HMU in accordance with paragraph 2.4.2 or 4.4.2 of the MSB.

(h) Definitions

(1) A Group 1 HMU is an HMU that was first installed on or before January 31, 2013, and that has not previously been inspected in accordance with Safran Helicopter Engines MSB 319 73 2825 Version G or later.

(2) A Group 2 HMU is an HMU that was first installed after January 31, 2013, or a HMU that has previously been inspected in accordance with Safran Helicopter Engines MSB 319 73 2825 Version G or later.

(i) No Reporting Requirement

The reporting requirements specified in the Accomplishment Instructions, paragraph 2.4.2, of the MSB are not required by this AD.

(j) Credit for Previous Actions

You may take credit for any initial inspection or replacement of an HMU or the sleeve assembly on the affected high-pressure pump drive gear shaft required by paragraph (g) of this AD if you performed the inspection or replacement in accordance with Safran Helicopter Engines MSB 319 73 2825, Version G, dated January 24, 2013; Version H, dated September 1, 2014; or Version I, dated April 26, 2016.

(k) 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 ECO Branch, send it to the attention of the person identified in Related Information. Information may be emailed 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.

(l) Related Information

For more information about this AD, contact Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7134; fax: fax: (781) 238–7199; email: *wego.wang@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Safran Helicopter Engines Mandatory Service Bulletin (MSB) No. 319 73 2825, Version J, dated March 15, 2019.

Note 2 to paragraph (m)(2)(i): Per Safran Helicopter Engines standing practice at the time MSB 319 73 2825, Version J, was issued, MSB 319 73 2825, Version J, is undated. The issue date for MSB 319 73 2825, Version J, appears on the Safran Helicopter Engines Arrius 2 B1 Service Bulletin Index, No. X 319 L5 980 2, dated December 11, 2020.

(ii) [Reserved]

(3) For Safran Helicopter Engines service information identified in this AD, contact Safran Helicopter Engines, S.A., Avenue du 1er Mai, 40220 Tarnos, France; phone: +33 (0) 5 59 74 45 11.

(4) 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.

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

Issued on August 7, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–19226 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0498; Project Identifier 2019–SW–072–AD; Amendment 39–21722; AD 2021–19–04]

RIN 2120–AA64

Airworthiness Directives; Hélicoptères Guimbal Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Hélicoptères Guimbal Model Cabri G2 helicopters with any metal bushing installed on the main rotor (M/R) swashplate guide bellcrank. This AD was prompted by a report of cracks discovered on the M/R scissor link during scheduled maintenance on several helicopters. This AD requires removing all metal bushings from service, visually inspecting the lug bore area and depending on the inspection results, removing certain parts from service and installing certain part-numbered plastic bushings. This AD also prohibits installing any metal bushing on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 12, 2021.

ADDRESSES: For service information identified in this final rule, contact Hélicoptères Guimbal, Basile Ginel, 1070, rue du Lieutenant Parayre, Aérodrome d'Aix-en-Provence, 13290 Les Milles, France; telephone 33–04–42–39–10–88; email *basile.ginel@guimbal.com;* web *https://www.guimbal.com.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0498; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Hélicoptères Guimbal (HG) Model Cabri G2 helicopters, certificated in any category, with any metal bushings installed on the main rotor (M/R) swashplate guide bellcrank and without plastic bushing part number HG22–1001 or HG modification 16–009. The NPRM published in the **Federal Register** on July 9, 2021 (86 FR 36241). In the NPRM, the FAA proposed to require within 50 hours time-in-service or 2 months, whichever occurs first after the effective date of this AD, disconnecting the bellcrank from the swashplate guide, removing each bolt and using a certain tool, removing certain parts from service. The NPRM also proposed to require visually inspecting the lug bore area for corrosion and cracks and depending on the inspection results, removing certain parts from service, or repairing the area using an FAA-approved method, installing certain part-numbered plastic bushings, coating the area with a compound, reinstalling certain parts, applying a specified torque, and installing cotter pins. The NPRM was prompted by EASA AD 2019–0185, dated July 30, 2019 (EASA AD 2019–0185), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Hélicoptères Guimbal Model Cabri G2 helicopters. EASA advises that during scheduled maintenance on several helicopters, cracks were found on the M/R scissor link due to corrosion. EASA states this corrosion was caused by stress induced by the mounting of the metal bushing inside the lug hole. EASA further states metal bushings are also installed on the M/R swashplate guide bellcrank, where similar cracking may occur. This condition, if not addressed, could result in failure of the M/R swashplate guide bellcrank and reduced control of the helicopter.

Accordingly, EASA AD 2019–0185 requires replacing any part-numbered metal bushing with plastic bushing part number (P/N) HG22–1001. EASA AD 2019–0185 also prohibits installing any part-numbered metal bushing on the M/R swashplate guide bellcrank other than P/N HG22–1001 on any helicopter.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Related Service Information

The FAA reviewed Guimbal Service Bulletin SB 17–003, Revision D, dated August 27, 2019 (SB 17–003 Rev D). This service information specifies disconnecting the bellcrank installed on the swashplate guide by removing the bolts that connect the bellcrank to the swashplate guide, removing any existing bushings, and visually inspecting the lug bore area for corrosion or cracks. This service information also specifies if there is any corrosion or cracks, reporting the information to HG support, installing the new plastic bushings, reinstalling the bellcrank, applying a specified torque, and installing cotter pins.

Other Related Service Information

The FAA also reviewed Guimbal Service Bulletin SB 17–003, Revision C, dated July 12, 2019 (SB 17–003 Rev C). SB 17–003 Rev C specifies the same procedures as SB 17–003 Rev D, except SB 17–003 Rev D updates the reference to EASA AD 2019–0185.

Differences Between This AD and EASA AD 2019–0185

EASA AD 2019–0185 applies to all Model Cabri G2 helicopters, whereas this AD only applies to Model Cabri G2 helicopters with any metal bushings installed and without HG modification 16–009. The service information required by the EASA AD requires contacting Hélicoptères Guimbal for corrective actions when corrosion or cracks are found in the lug bore area whereas this AD requires removing the swashplate guide from service or repairing it using an FAA-approved method.

Costs of Compliance

The FAA estimates that this AD affects 32 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Disconnecting the bellcrank, removing each metal bushing and visually inspecting for corrosion and

cracks would take about 0.5 work-hours for an estimated cost of $43 per inspection cycle.

Installing each plastic bushing, coating with compound, re-installing the bellcrank, and applying torque would take about 0.5 work-hours and parts would cost about $10 for an estimated cost of $53 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–19–04 Hélicoptères Guimbal: Amendment 39–21722; Docket No. FAA–2021–0498; Project Identifier 2019–SW–072–AD.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Hélicoptères Guimbal (HG) Model Cabri G2 helicopters, certificated in any category, with any metal bushings installed on the main rotor (M/R) swashplate guide bellcrank and without plastic bushing part number HG22–1001 or HG modification 16–009.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6700, Rotorcraft Flight Control.

(e) Unsafe Condition

This AD was prompted by a report of cracks on the M/R scissor link. The FAA is issuing this AD to replace the metal bushings installed on the M/R swashplate guide bellcrank with plastic bushings. The unsafe condition, if not addressed, could result in failure of the M/R swashplate guide bellcrank and reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 50 hours time-in-service (TIS) or 2 months, whichever occurs first after the effective date of this AD:

(i) Disconnect the bellcrank from the swashplate guide by removing each bolt and, ensuring that the bellcrank remains attached to the flight control rod, remove each metal bushing from service using a bushing disassembly tool.

(ii) Visually inspect the lug bore area for any corrosion and any cracks. If there is any corrosion or any cracks, before further flight, remove the swashplate guide from service or repair it using an FAA-approved method. If there is no corrosion and no cracks, install plastic bushing part number HG22–1001, coat plastic bushing with isolation compound, re-install the bellcrank, torque each bolt to 7.5 Nm–9 Nm (5.5 ft-lbs–6.6 ft-lbs), and install cotter pins.

(2) As of the effective date of this AD, do not install any metal bushing on any helicopter.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave, Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2019–0185, dated July 30, 2019. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0498.

(j) Material Incorporated by Reference

None.

Issued on August 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–19037 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0497; Project Identifier 2019–SW–043–AD; Amendment 39–21711; AD 2021–18–10]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Canada Limited Model 429 helicopters. This AD was prompted by three reports of unexpected forces or uncommanded inputs to the directional (yaw) control system. This AD requires revising the existing Rotorcraft Flight

Manual (RFM) for your helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 12, 2021.

ADDRESSES: For service information identified in this final rule, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, Canada; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *https://www.bellcustomer.com.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0497; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the Transport Canada AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mitch Soth, Flight Test Engineer, Southwest Section, Flight Test Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *mitch.soth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Bell Textron Canada Limited Model 429 helicopters, serial numbers 57001 and subsequent. The NPRM published in the **Federal Register** on July 7, 2021 (86 FR 35692). In the NPRM, the FAA proposed to require revising the existing RFM for your helicopter by adding procedures in Section 2, Normal Procedures, under 2–4. INTERIOR AND PRESTART CHECK, 2–5. ENGINE START, and 2–8. TAKEOFF; Section 3, Emergency and Malfunction Procedures, under 3–9. AUTOMATIC FLIGHT CONTROL SYSTEM; and Section 4, Performance, under 4–2. POWER ASSURANCE CHECK. The owner/operator (pilot) may revise the existing RFM for your helicopter, and the owner/operator must enter compliance with the applicable paragraphs of the AD into the aircraft records in accordance with § 43.9(a)(1) through (4) and § 91.417(a)(2)(v). This is an exception to the FAA's standard maintenance regulations.

The NPRM was prompted by Transport Canada Emergency AD CF–2019–16, dated May 6, 2019 (Transport Canada AD CF–2019–16), issued by Transport Canada, which is the aviation authority for Canada to correct an unsafe condition for Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 429 helicopters, serial numbers 57001 and subsequent. Transport Canada advises of three reports of unexpected forces or uncommanded inputs to the directional (yaw) control system during ground operations. Investigation revealed that a yaw trim runaway can occur while the automatic pedal trim function is operating. This condition, if not addressed, could result in loss of control of the helicopter. Accordingly, Transport Canada AD CF–2019–16 requires revising Bell RFM BHT–429–FM–1 by incorporating revision 14, dated April 18, 2019.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from an individual who supported the NPRM without change.

Conclusion

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

Related Service Information

The FAA reviewed Section 2—Normal Procedures, Section 3—Emergency and Malfunction Procedures, and Section 4—Performance, of Bell RFM BHT–429–FM–1, Revision 14, dated April 18, 2019. This revision of the service information adds a procedure to reduce the risk of trim runaway during start sequence, cautions to reduce the risk of uncommanded control movement during engine start and takeoff and re-setting force trim detent instructions during engine start and takeoff, and an emergency procedure to assist flight crew to recognize trim runaway and response instructions.

Costs of Compliance

The FAA estimates that this AD affects 120 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Revising the existing RFM for your helicopter takes about 0.50 work-hour for an estimated cost of $43 per helicopter and $5,160 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–18–10 Bell Textron Canada Limited: Amendment 39–21711; Docket No. FAA–2021–0497; Project Identifier 2019–SW–043–AD.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 429 helicopters, certificated in any category, serial numbers 57001 and subsequent.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

(e) Unsafe Condition

This AD was prompted by three reports of unexpected forces or uncommanded inputs to the directional (yaw) control system. The FAA is issuing this AD to prevent yaw trim runaway. The unsafe condition, if not addressed, could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD, revise the existing Rotorcraft Flight Manual for your helicopter as follows:

(i) In Section 2, Normal Procedures, under 2–4. INTERIOR AND PRESTART CHECK, add the following as item 25: ''25. Depress the cyclic force TRIM REL button and collective FORCE REL button (4-axis only) to center actuators and extinguish any active out of detent indications.''

(ii) In Section 2, Normal Procedures, under 2–5. ENGINE START and under 2–8. TAKEOFF, add the following above item 1: ''CAUTION: WHEN MANIPULATING FLIGHT CONTROLS WITH FORCE TRIM SELECTED ON, DO NOT RELEASE AFFECTED FLIGHT CONTROL UNTIL THE OUT OF DETENT INDICATION EXTINGUISHES. THE FLIGHT CONTROLS MAY BE RESET BY DEPRESSING THE CYCLIC FORCE TRIM REL BUTTON AND COLLECTIVE FORCE REL BUTTON (4–AXIS ONLY) UNTIL THE OUT OF DETENT INDICATION EXTINGUISHES.''

(iii) In Section 3, Emergency and Malfunction Procedures, under 3–9. AUTOMATIC FLIGHT CONTROL SYSTEM, add the information in Figure 1 to paragraph (g)(1)(iii) of this AD as item 3–9–D:

3-9-D. TRIM RUNAWAY

• INDICATIONS:

Flight controls — Uncommanded movement.

Flight control forces — High in axis of uncommanded movement, normal in other axes.

Out of detent indication for affected axis

• PROCEDURE:

1. Cyclic force TRIM REL and/or collective FORCE REL button (4-axis only) — Depress until the out of detent indication extinguishes.

2. Flight controls — Do not release flight control if out of detent indication is present.

3. Force TRIM switch — OFF; check TRM OFF illuminates on PFD.

4. If IMC, land as soon as practical. If VMC, continue flight in SCAS.

Figure 1 to paragraph (g)(1)(iii)

(iv) In Section 4, Performance, under 4–2. POWER ASSURANCE CHECK, add the following above the instructions for performing a power assurance check: ''CAUTION: WHEN MANIPULATING FLIGHT CONTROLS WITH FORCE TRIM SELECTED ON, DO NOT RELEASE AFFECTED FLIGHT CONTROL UNTIL THE OUT OF DETENT INDICATION EXTINGUISHES. THE FLIGHT CONTROLS MAY BE RESET BY DEPRESSING THE CYCLIC FORCE TRIM REL BUTTON AND COLLECTIVE FORCE REL BUTTON (4–AXIS ONLY) UNTIL THE OUT OF DETENT INDICATION EXTINGUISHES.''

(2) Using a document with information identical to the information in paragraph (g)(1) of this AD is acceptable for compliance

with the actions required by paragraph (g)(1) of this AD.

(3) The actions required by paragraphs (g)(1) and (2) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.9(a)(1) through (4) and § 91.417(a)(2)(v). The record must be maintained as required by § 91.417, § 121.380, or § 135.439.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Mitch Soth, Flight Test Engineer, Southwest Section, Flight Test Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *mitch.soth@faa.gov.*

(2) The subject of this AD is addressed in Transport Canada Emergency AD CF–2019–16, dated May 6, 2019. You may view the Transport Canada AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0497.

(j) Material Incorporated by Reference

None.

Issued on August 26, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–19049 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0381; Project Identifier MCAI–2020–01656–E; Amendment 39–21694; AD 2021–17–11]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Trent XWB–75, Trent XWB–79, Trent XWB–79B, and Trent XWB–84 model turbofan engines. This AD was prompted by reports of cracks in the intermediate-pressure compressor (IPC) rotor 1 (R1) blades installed on certain Trent XWB model turbofan engines. This AD requires initial and repetitive borescope inspections (BSIs) of the affected IPC R1 blades and, depending on the results of the inspections, replacement of all 34 IPC R1 blades. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 12, 2021.

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

ADDRESSES: For service information identified in this final rule, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; fax: +44 (0)1332 249936; website: *https://www.rolls-royce.com/contact-us.aspx.* 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–2021–0381.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0381; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kevin Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7088; fax: (781) 238–7199; email: *kevin.m.clark@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain RRD Trent XWB–75, Trent XWB–79, Trent XWB–79B, and Trent XWB–84 model turbofan engines. The NPRM published in the **Federal Register** on May 28, 2021 (86 FR 28716). The NPRM was prompted by reports of cracks in the IPC R1 blades installed on certain Trent XWB model turbofan engines. The NPRM proposed to require initial and repetitive BSIs of the affected IPC R1 blades and, depending on the results of the inspections, replacement of all 34 IPC R1 blades with parts eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0277, dated December 11, 2020 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> Occurrences have been reported of finding cracked IPC R1 blades on certain Trent XWB engines that were close to their first planned refurbishment shop visit.
>
> This condition, if not corrected, could lead to blade failure and consequent engine in-flight shut-down (IFSD), possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition and avoid dual engine IFSD, Rolls-Royce issued the inspection NMSB to provide inspection instructions and the NMSB to provide information on threshold and intervals.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the affected parts and, depending on findings, accomplishment of applicable corrective action(s).

You may obtain further information by examining the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0381.

Discussion of Final Airworthiness Directive Comments

The FAA received comments from two commenters. The commenters were Delta Air Lines (Delta) and the Air Line Pilots Association, International (ALPA). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Add a Definition for ''Affected IPC Blades''

Delta requested that the FAA add a definition of ''affected IPC blades'' to paragraph (h) of this AD. Delta reasoned that the part number of the affected IPC R1 blades was established in paragraph (c), Applicability, but not in the proposed rule.

The FAA disagrees with the need to add a definition of an affected IPC blade to this AD, because paragraph (c), Applicability, is part of the proposed rule. The FAA clarified paragraph (c), Applicability, of this AD, by adding ''(affected IPC R1 blade).''

Request To Add Clarifying Instructions for Repeat BSI

Delta requested that the FAA add language similar to paragraph (g)(1) of this AD to paragraph (g)(2) of this AD to clarify the instructions for the repeat BSI requirement.

The FAA disagrees. Paragraph (g)(2) of this AD instructs the operator to repeat the inspection required by paragraph (g)(1) of this AD. It is unnecessary to add additional information to paragraph (g)(2) of this AD since the repetitive inspection required by paragraph (g)(2) of this AD is the same as required by paragraph (g)(1) of this AD.

Support for the AD

The ALPA supported the AD without further comment.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Rolls-Royce Non-Modification Service Bulletin (NMSB) Trent XWB 72–K633, Initial Issue, dated August 7, 2020. This service information specifies procedures for performing initial and repetitive BSIs of the Trent XWB–75, XWB–79, XWB–79B, and XWB–84 IPC R1 blades. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA reviewed Rolls-Royce Alert NMSB Trent XWB 72–AK612, Initial Issue, dated July 9, 2020; Rolls-Royce Alert NMSB Trent XWB 72–AK613, Initial Issue, dated July 17, 2020; and Rolls-Royce Alert NMSB Trent XWB 72–AK632, Initial Issue, dated August 7, 2020.

Rolls-Royce Alert NMSB Trent XWB 72–AK612 describes procedures for performing a in-shop BSI of the Trent XWB–75, XWB–79, XWB–79B, and XWB–84 IPC R1 blades. Rolls-Royce Alert NMSB Trent XWB 72–AK613 describes procedures for performing an on-wing BSI of the Trent XWB–75, XWB–79, XWB–79B, and XWB–84 IPC R1 blades. Rolls-Royce Alert NMSB Trent XWB 72–AK632 defines the initial inspection threshold and repeat inspection intervals for Trent XWB–75, XWB–79, XWB–79B, and XWB–84 IPC R1 blades.

Costs of Compliance

The FAA estimates that this AD affects 15 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
BSI affected IPC R1 blades	6 work-hours × $85 per hour = $510	$0	$510	$7,650

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the mandated inspection. The FAA has no way of determining the number of aircraft that might need this replacement.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of IPC blades	100 work-hours × $85 per hour = $8,500	$187,408	$195,908

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

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:

2021–17–11 Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc): Amendment 39–21694; Docket No. FAA–2021–0381; Project Identifier MCAI–2020–01656–E.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc) Trent XWB–75, Trent XWB–79, Trent XWB–79B, and Trent XWB–84 model turbofan engines with an installed intermediate-pressure compressor (IPC) rotor 1 (R1) blade, part number (P/N) KH21559 (affected IPC R1 blade).

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports of cracks in the IPC R1 blades installed on certain Trent XWB model turbofan engines. The FAA is issuing this AD to prevent failure of the IPC R1 blades. The unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown of the engine, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within the compliance time specified in Figure 1 to paragraph (g)(1) of this AD, perform an initial borescope inspection (BSI) of the affected IPC R1 blades using the Accomplishment Instructions, paragraphs 3.A.(3)(b) and (c) (on-wing) or 3.B.(2)(b) and (c) (in-shop), as applicable, of Rolls-Royce Non-Modification Service Bulletin Trent XWB 72–K633, Initial Issue, dated August 7, 2020.

Figure 1 to Paragraph (g)(1) – Inspection threshold

Flight cycles (FCs) since new	Compliance time
Less than 2,300 FCs since new	Before exceeding 2,300 FCs since new, or within 50 FCs after the effective date of this AD, whichever occurs later
2,300 or more FCs since new	Within 50 FCs after the effective date of this AD

(2) Thereafter, repeat the BSI of the affected IPC R1 blades required by paragraph (g)(1) of this AD before exceeding 200 engine FCs since the last BSI of the IPC R1 blades.

(3) If, during any inspection required by paragraph (g)(1) or (2) of this AD, any affected IPC R1 blade is found cracked, remove all 34 IPC R1 blades from service and replace with parts eligible for installation.

Note 1 to paragraph (g): The FCs specified in Figure 1 to paragraph (g)(1) of this AD are those accumulated by the IPC R1 blade having the highest flight cycles in the IPC R1 blade set since the first installation of the blade on an engine. When the FCs of the IPC R1 blade set cannot be established, use the FCs accumulated by the engine since new.

(h) Definition

For the purpose of this AD, a part eligible for installation is any IPC R1 blade having P/N KH21559 with zero engine FCs since new, any IPC R1 blade having P/N KH21559 that has been inspected in accordance with paragraph (g)(1) of this AD and a crack was not found, or any IPC R1 blade having a P/N not listed in this AD.

(i) Credit for Previous Actions

You may take credit for the initial BSI required by paragraph (g)(1) of this AD if you performed the initial BSI before the effective date of this AD using Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) Trent XWB 72–AK612, Initial Issue, dated July 9, 2020, or Rolls-Royce Alert NMSB Trent XWB 72–AK613, Initial Issue, dated July 17, 2020, as applicable.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Kevin Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7088; fax: (781) 238–7199; email: *kevin.m.clark@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0277, dated December 11, 2020, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0381.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference

(IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) Rolls-Royce Non-Modification Service Bulletin Trent XWB 72–K633, Initial Issue, dated August 7, 2020.

(ii) [Reserved]

(3) For Rolls-Royce service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; fax: +44 (0)1332 249936; website: *https://www.rolls-royce.com/contact-us.aspx.*

(4) 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.

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

Issued on August 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–19175 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0727; Project Identifier AD–2021–00835–R; Amendment 39–21726; AD 2021–19–08]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Robinson Helicopter Company Model R44 and R44 II helicopters. This AD was prompted by reports of cracked tail rotor blades (blades). This AD requires checking each blade for any crack and removing any cracked blade from service. This AD also requires removing all affected blades from service and prohibits installing any affected blade on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 22, 2021.

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

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

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

For service information identified in this final rule, contact Robinson Helicopter Company, Pete Riedl, 2901 Airport Drive, Torrance, CA 90505, United States; phone: (310) 539–0508; email: *eng1@robinsonheli.com;* website: *https://robinsonheli.com/.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0727; 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 the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: James Guo, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5357; email *james.guo@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA received reports of spanwise cracks found along the leading edge of part number (P/N) C029–3 blades, serial numbers (S/N) 9410 through 9909. These affected blades were factory-installed or shipped as spares between March and December 2019. The cracks were found at different inspection intervals ranging from preflight inspections to 100-hour inspections. In one instance, a cracked blade was suspected when the pilot felt abnormal vibrations during flight; subsequent investigation determined that the blade was cracked. The cause of the cracks is a manufacturing defect in the properties of the blade skin that makes the blades prone to stress corrosion cracking. This condition, if not addressed, could result in reduced controllability and subsequent loss of control of the helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

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

Related Service Information

The FAA reviewed Robinson Helicopter Company R44 Service Bulletin

SB–108, dated June 30, 2021. This service bulletin specifies removing P/N C029–3 blades with S/N 9410 through 9909 from service. For continued operation until the affected blades are replaced, the service bulletin specifies a preflight inspection to be performed by the pilot.

AD Requirements

This AD requires, before further flight and thereafter before each flight, checking blade P/N C029–3 with S/N 9410 through 9909 inclusive, for any crack along the leading edge of the blade. An owner/operator (pilot) may perform this required check but must enter compliance with the applicable paragraph of this AD in the helicopter maintenance records in accordance with 14 CFR 43.9(a)(1) through (4) and 91.417(a)(2)(v). A pilot may perform this check because it involves visually checking each blade for a crack. This action can be performed equally well by a pilot or a mechanic. This check is an exception to the FAA's standard maintenance regulations. This AD also requires, before further flight, removing from service any cracked blade and prohibits installing the affected blades on any helicopter. Additionally, this AD requires, within three months after the effective date of this AD, removing all affected blades from service.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those

procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because an urgent unsafe condition exist and corrective actions must accomplished before further flight and then within three months. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. 2021–0727 and Project Identifier AD–2021–00835–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to James Guo, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5357; email *james.guo@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because 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 164 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD. Labor costs are estimated at $85 per work-hour. Checking the tail rotor blade for any crack takes about 0.25 work-hour for an estimated cost of $22 per inspection. Replacing the tail rotor blade takes about 3.5 work-hours and parts cost about $3,320 for an estimated cost of $3,618 per helicopter.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed 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:

2021–19–08 Robinson Helicopter Company: Amendment 39–21726; Docket No. FAA–2021–0727; Project Identifier AD–2021–00835–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

Robinson Helicopter Company Model R44 and R44 II helicopters, certificated in any category, with a tail rotor blade (blade) part number (P/N) C029–3 with serial number (S/N) 9410 through 9909 inclusive, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6410, Tail Rotor Blades.

(e) Unsafe Condition

This AD was prompted by reports of cracked blades. The FAA is issuing this AD to detect and prevent cracks in the affected blades. The unsafe condition, if not addressed, could result in reduced controllability and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Before further flight and thereafter before each flight, check each blade at the leading edge for a crack. This action may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(2) If there is any crack, before further flight, remove the blade from service.

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

(4) Within three months after the effective date of this AD, remove from service any blade identified in paragraph (c) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

For more information about this AD, contact James Guo, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5357; email *james.guo@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued on September 1, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–19300 Filed 9–2–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0424; Airspace Docket No. 21–ACE–13]

RIN 2120–AA66

Amendment of Class E Airspace; Malden, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at Malden Regional Airport, (formerly Malden Municipal Airport), Malden, MO. The FAA is taking this action as a result of an airspace review caused by the decommissioning of the Malden Very High Frequency Omni-Directional Range (VOR) co-located with Tactical Air Navigation (TACAN) which equates to a (VORTAC) navigation aid as part of the VOR Minimum Operational Network (MON) Program. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) in the area.

DATES: Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fr.inspection@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 Ave., 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 amends the Class E airspace extending upward from 700 feet above the surface in Malden, MO, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 33920, June 28, 2021) for Docket No. FAA–2021–0424 to amend Class E airspace extending upward from 700 feet above the surface at Malden Regional Airport, Malden, MO, due to the decommissioning of the Malden VORTAC.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface for Malden Regional Airport, Malden, MO, as the Malden VORTAC has been decommissioned and all associated airspace extensions of Class E airspace extending upward from 700

feet above the surface, off the Malden VORTAC have been eliminated. The Class E airspace extending upward from 700 feet above the surface is amended by increasing the radius to 7.3 miles (previously 6.7 miles). Also the airport's name (formerly Malden Municipal Airport) and geographic coordinates are updated to coincide with the FAA's data base.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Malden, MO [Amended]

Malden Regional Airport, MO
(Lat. 36°35′54″ N, long. 89°59′33″ W)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the Malden Regional Airport.

Issued in College Park, Georgia, on August 31, 2021.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–19053 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0278; Airspace Docket No. 21–ACE–10]

RIN 2120–AA66

Amendment of Class E Airspace; Pocahontas, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Pocahontas Municipal Airport, Pocahontas, IA. This action is the result of an airspace review due to the decommissioning of the Pocahontas non-directional beacon (NDB). Additionally, the geographical coordinates of the airport are also being updated to coincide with the FAA's aeronautical database, which was inadvertently omitted in the NPRM docket.

DATES: Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

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 amends the Class E airspace extending upward from 700 feet above the surface at Pocahontas Municipal Airport, Pocahontas, IA, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 24800; May 10, 2021) for Docket No. FAA–2021–0278 to amend the Class E airspace extending upward from 700 feet above the surface at Pocahontas Municipal Airport, Pocahontas, IA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR

71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Changes From the NPRM

The NPRM inadvertently omitted the necessity to update the coordinates of Pocahontas Municipal Airport. That update is being made in this action.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface at Pocahontas Municipal Airport, Pocahontas, IA, by removing the Pocahontas NDB and associated extension from the airspace legal description; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review due to the decommissioning of the Pocahontas NDB which provided navigation information for the instrument procedures at this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE IA E5 Pocahontas, IA [Amended]

Pocahontas Municipal Airport, IA
(Lat. 42°44′34″ N, long. 94°38′51″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Pocahontas Municipal Airport.

Issued in Fort Worth, Texas, on August 31, 2021.

Martin A. Skinner,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2021–19235 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0472; Airspace Docket No. 21–AEA–9]

RIN 2120–AA66

Revocation of Class E Airspace; Red Hook, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace in Red Hook, NY, as Skypark Airport has been abandoned, and controlled airspace is no longer required. This action would enhance the safety and management of controlled airspace within the national airspace system.

DATES: Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fr.inspection@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 Ave., 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 removes the Class E airspace extending upward from 700 feet above the surface in Red Hook, NY, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 33584, June 25, 2021) for Docket No. FAA–2021–0472 to remove Class E airspace extending upward from 700 feet above the surface at Red Hook, NY, as Skypark Airport is abandoned and airspace is no longer required.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by removing Class E airspace extending upward from 700 feet above the surface at Skypark Airport, Red Hook, NY, as the airport has closed. Therefore, the airspace is no longer necessary. This action enhances the safety and management of controlled airspace within the national airspace system.

Subsequent to publication of the NPRM the FAA found the airport name was incorrectly identified as Skyhawk Airport. This action corrects this error.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA NY E5 Red Hook, NY [Removed]

Issued in College Park, Georgia, on September 1, 2021.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–19217 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

15 CFR Part 4

[Docket No. 210901–0175]

RIN 0605–AA46

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Commerce, Office of the Secretary.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of Commerce's (Department) regulations under the Privacy Act. The Privacy Act regulations are being updated to make technical changes to include a System of Records Notice, COMMERCE/DEPT–27, to the Department's regulations concerning Privacy Act general and specific exemptions.

DATES: This rule is effective September 7, 2021.

ADDRESSES: Departmental Privacy Act Officer, Office of Privacy and Open Government, Department of Commerce, 1401 Constitution Ave. NW, Mail Stop 61025, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Tahira Murphy, Departmental Privacy Act Officer, (202) 410–8075, Office of Privacy and Open Government, Department of Commerce, 1401 Constitution Ave. NW, Mail Stop 61025, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

This rule updates the Department of Commerce's (Department) regulations under the Privacy Act (5 U.S.C. 552a). In particular, the action amends the Department's Privacy Act regulations regarding applicable exemptions to reflect new Department-wide systems of records notices published since the last time the regulations were updated. The updates of the Privacy Act regulations in Title 15 of the Code of Federal Regulations, subpart B of part 4 incorporate changes to the language of the regulations in the following provisions: § 4.33 (General exemptions); and § 4.34 (Specific exemptions).

Comments on the Proposed Rule

The Office of the Secretary received three comments on the proposed rule (82 FR 56, January 3, 2017) that were within the scope of this rulemaking from members of the public. The comments on the proposed rule can be viewed and downloaded at the following link: *https://www.regulations.gov/document/DOC–2017–0003–0001/comment. No changes have been made to the regulatory text of the proposed rule in response to these three comments. The following are the comments and our corresponding responses.*

Comment 1: There should be no exemptions to the Freedom of Information Act (FOIA). It is in the best interest of the public to access Commerce information.

Response: This rulemaking has nothing to do with FOIA. The Privacy Act prohibits the disclosure of a record about an individual from a system of records absent the written consent of the individual unless the disclosure is pursuant to one of twelve statutory exceptions. However, the Privacy Act does provide individuals with a means by which to seek access to and amendment of their records and sets forth various agency record-keeping requirements.

Comment 2: Please include provision for each department that: Upon receipt of any request directed to one department falling in the purview of the other, that department's FOIA designee shall immediately re-direct and/or forward the request to the appropriate department AND advise sender of the action taken and to whom follow-up requests may be made; AND if the request is within 72 hours prior to any deadline which may apply to the request received, a seven-day extension shall automatically be granted for the original submission forwarded to the proper department.

Response: All FOIA requests are to be directed to *eFOIA@doc.gov* and will be distributed to the proper organization or individual for a response.

Comment 3: I was redirected to this website from an article who's title included the phrase ''A simple guide.'' Looking around I can see that this site and the information therein is anything but. I'm concerned with this administrations concerted effort at obfuscating and misdirecting from their continued efforts to take power away from the people and into the hands of the government and its corporate lobbyists. Naturally the Freedom of Information Act is of the utmost importance to the ability of the American people to discern a number of things concerning to them especially regarding the actions of our government and its corporate interests. So you can imagine that I find it disturbing when even this proposed rule is veiled in language the average American cannot understand. Please consider simplifying the language of proposed legislation so that the American People may adequately understand and comment on it.

Response: This revision does not prevent individuals from requesting information through a FOIA request. This rule revises the Department's Privacy Act regulations regarding applicable exemptions to reflect new Department-wide systems of records notices published since the last time the regulations were updated. Any questions regarding clarification should be addressed to the Department Privacy Act Officer.

Changes Between the Proposed Rule and Final Rule

This final rule makes no changes to the regulatory text of the proposed rule.

Classification

This final rule has been determined to be not significant for purposes of review under Executive Order 12866. In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chief Counsel for Regulation has reviewed this rule and certified that this regulation, if implemented, will not have a significant economic impact on a substantial number of small entities. This rule is procedural in nature, and, therefore, will not affect requesters. This regulation does not contain a collection of information as defined by the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

List of Subjects in 15 CFR Part 4

Appeals, Freedom of Information Act, Information, Privacy, Privacy Act.

Jennifer Goode,

Deputy Director and Acting Director of Office of Privacy and Open Government, and Departmental Privacy Officer.

For the reasons stated in the preamble, the Department of Commerce amends 15 CFR part 4 as follows:

PART 4—DISCLOSURE OF GOVERNMENT INFORMATION

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

■ 2. Amend § 4.33 by adding paragraph (b)(5) to read as follows:

§ 4.33 General exemptions.

* * * * *

(b) * * *

(5) *Investigation and Threat Management Records*—COMMERCE/DEPT–27. Pursuant to *5* U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a(b), (c)(l) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). These exemptions are necessary to ensure the proper functioning of the law enforcement activity of the agency, to prevent disclosure of classified information as required by Executive Order 13526, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

■ 3. Amend § 4.34 by:

■ a. Revising paragraphs (a)(1), (b)(1), and paragraph (b)(2)(i) introductory text;

■ b. Adding paragraph (b)(2)(i)(G); and

■ c. Revising paragraph (b)(4)(i).

The addition and revisions read as follows:

§ 4.34 Specific exemptions.

(a)(1) Certain systems of records under the Act that are maintained by the Department may occasionally contain material subject to 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the **Federal Register** by the Department that are within this exemption are: COMMERCE/BIS–1, COMMERCE/ITA–2, COMMERCE/ITA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/DEPT–12, COMMERCE/DEPT–13, COMMERCE/DEPT–14, COMMERCE/DEPT–25, and COMMERCE/DEPT–27.

* * * * *

(b) * * *

(1) Exempt under 5 U.S.C. 552a(k)(1). The systems of records exempt hereunder appear in paragraph (a) of this section. The claims for exemption of COMMERCE/DEPT–12, COMMERCE/BIS–1, COMMERCE/NOAA–5, COMMERCE/DEPT–25, and COMMERCE/DEPT–27 under this paragraph are subject to the condition that the general exemption claimed in § 4.33(b) is held to be invalid.

* * * * *

(2)(i) Exempt under 5 U.S.C. 552a(k)(2). The systems of records

exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

* * * * *

(G) Investigation and Threat Management Records—COMMERCE/DEPT–27, but only on condition that the general exemption claimed in § 4.33(b)(4) is held to be invalid;

* * * * *

(4)(i) Exempt under 5 U.S.C. 552a(k)(5). The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(A) Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA–1;

(B) USMMA Midshipman Medical Files—COMMERCE/MA–17;

(C) USMMA Midshipman Personnel Files—COMMERCE/MA–18;

(D) USMMA Non-Appropriated Fund Employees—COMMERCE/MA–19;

(E) Applicants for the NOAA Corps—COMMERCE/NOAA–I;

(F) Commissioned Officer Official Personnel Folders—COMMERCE/NOAA–3;

(G) Conflict of lnterest Records, Appointed Officials—COMMERCE/DEPT–3;

(H) Investigative and Inspection Records—COMMERCE/DEPT–12, but only on condition that the general exemption claimed in § 4.33(b)(3) is held to be invalid;

(I) Investigative Records—Persons within the Investigative Jurisdiction of the Department COMMERCE/DEPT–13;

(J) Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT–14;

(K) Access Control and Identity Management System—COMMERCE/DEPT–25, but only on condition that the general exemption claimed in § 4.33(b)(4) is held to be invalid; and

(L) Investigation and Threat Management Records—COMMERCE/DEPT–27, but only on condition that the general exemption claimed in § 4.33(b)(4) is held to be invalid.

* * * * *

[FR Doc. 2021–19315 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 610

[Docket No. FDA–2021–N–0011]

Revision to Restrictions on Shipment or Use for Human Blood and Blood Components Exceptions; Technical Amendment

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the biologics regulation to improve clarity and revise an incorrect citation. This action is being taken to ensure the accuracy and clarity of the biologics regulation.

DATES: This rule is September 7, 2021.

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:

I. Background

In the **Federal Register** of May 22, 2015 (80 FR 29842), FDA published a final rule entitled ''Requirements for Blood and Blood Components Intended for Transfusion or for Further Manufacturing Use'' (May 2015 final rule). In the May 2015 final rule, FDA amended § 610.40(h)(2)(vii) (21 CFR 610.40(h)(2)(vii)), which provides for exceptions to the restrictions on shipment or use of human blood and blood components. The May 2015 final rule included an incorrect regulatory citation in this provision.

II. Description of the Technical Amendments

In § 610.40(h)(2)(vii), as amended by the May 2015 final rule, FDA inadvertently cited § 640.65(a)(2)(ii). The reference to § 640.65(a)(2)(ii) is an incorrect citation. Accordingly, FDA is removing the reference to § 640.65(a)(2)(ii). Additionally, to improve the clarity of the regulation, we are also amending § 610.40(h)(2)(vii) to replace the reference to § 640.65(b)(2)(i) through (iv) with a reference to § 640.65(b)(2)(ii) through (iv). This amendment aligns with the preamble of the May 2015 final rule, which stated that FDA was ''removing [the citation to] § 640.65(b)(2), and replacing it with the more precise citation to § 640.65(b)(2)(ii) through (b)(2)(iv)'' (May 2015 final rule, 80 FR 29842 at 29886). FDA notes that donor protein composition assessment under § 640.65(b)(2)(i) is required for plasmapheresis procedures irrespective of whether or not the syphilis screening requirements under § 640.65(b)(2)(ii) through (iv) are applicable.

III. Notice and Public Comment

Publication of this document constitutes final action of these changes under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA has determined that notice and public comment are unnecessary because the amendments to the regulation provide only technical changes and are nonsubstantive.

List of Subjects in 21 CFR Part 610

Biologics, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 610 is amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

■ 1. The authority citation for part 610 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 360c, 360d, 360h, 360i, 371, 372, 374, 381; 42 U.S.C. 216, 262, 263, 263a, 264.

■ 2. In § 610.40, revise paragraph (h)(2)(vii) to read as follows:

§ 610.40 Test requirements.

* * * * *

(h) * * *

(2) * * *

(vii) You may use Source Plasma from a donor who tests reactive by a screening test for syphilis as required under § 640.65(b)(1)(i) of this chapter, if the donor meets the requirements of § 640.65(b)(2)(ii) through (iv) of this chapter.

Dated: August 31, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–19220 Filed 9–3–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9952]

RIN 1545–B012

Certain Non-Government Persons Not Authorized To Participate in Examinations of Books and Witnesses as a Section 6103(n) Contractor

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations modifying regulations relating to IRS administrative proceedings to reflect limitations that are required by the enactment of the Taxpayer First Act of 2019. These final regulations implement new rules regarding the persons who may be provided books, papers, records, or other data obtained pursuant to section 7602 of the Internal Revenue Code (Code) for the sole purpose of providing expert evaluation and assistance to the IRS, and adopt further limitations on the types of non-governmental attorneys to whom, under the authority of section 6103(n) of the Code, any books, papers, records, or other data obtained pursuant to section 7602 may be provided. These final regulations also prohibit any IRS contractors from asking substantive questions of a summoned witness under oath or asking a summoned person's representative to clarify an objection or assertion of privilege. The regulations affect persons who are examined by the IRS and any persons who are questioned by the IRS under oath pursuant to section 7602.

DATES:

Effective date: These regulations are effective on September 7, 2021.

Applicability date: For date of applicability, see § 301.7602–1(d), which provides that the regulations promulgated by this Treasury decision are applicable to examinations begun or administrative summonses served by the IRS on or after August 6, 2020.

FOR FURTHER INFORMATION CONTACT: William V. Spatz at (202) 317–5461 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

These final regulations amend Procedure and Administration Regulations (26 CFR part 301) under section 7602(a) of the Code relating to participation by persons described in section 6103(n) of the Code and 26 CFR 301.6103(n)–1(a) of the Procedure and Administration Regulations in receiving and reviewing summoned books, papers, records, or other data and in interviewing a summoned witness under oath. These final regulations narrow the scope of the final regulations (TD 9778) published in the **Federal Register** (81 FR 45409) on July 14, 2016 (Summons Interview Regulations) by providing that certain non-government attorneys whom the IRS could previously have hired are no longer authorized to participate in an examination and by interpreting the requirements of section 7602(f), which was added to the Code by the Taxpayer First Act of 2019. A notice of proposed rulemaking (REG–132434–17) proposing these changes was published in the **Federal Register** (85 FR 47931) on August 7, 2020 (proposed regulations).

Summary of Comments

No public hearing was requested or held regarding the proposed regulations. Two responsive comments were received, both of which concerned only one portion of the proposed regulations—proposed § 301.7602–1(b)(3)(C), titled ''Hiring of certain non-government attorneys.''

The first commenter recommended modifying the proposed rules to allow any outside contractors working for the IRS to examine, interview, and determine whether a taxpayer was a ''tax cheat.'' The Department of the Treasury (Treasury Department) and the IRS decline to adopt this comment. While the IRS may hire a contractor to assist the IRS in these processes, examining a taxpayer and determining whether that taxpayer is in compliance with Federal tax laws are core IRS functions that the IRS has never allowed a contractor to perform. In addition, section 7602(f) now prohibits the IRS from allowing an IRS contractor to ask substantive questions of a witness whose testimony is being taken under oath pursuant to section 7602.

The second commenter noted that the non-exclusive nature of the proposed regulations left open the possibility that the IRS could hire as a contractor in an IRS examination a certified public accountant (CPA), enrolled agent, or another non-attorney to provide the IRS with assistance in the application of Federal tax laws. This commenter asserted that the proposed regulations should be revised so as to prohibit the IRS from hiring as a contractor in an examination any person, whether or not an attorney, for that person's expertise with the Federal tax laws. The Treasury Department and the IRS decline to adopt this comment. The limitation on hiring attorneys as contactors in examinations for their expertise in applying the Federal tax laws is a measure that goes beyond what is required by section 7602(f). This hiring limitation was introduced as a matter of sound tax administration to address concerns expressed by a range of professional and business associations over the IRS's prior use of attorneys as contractors. While the previous commenters addressing the Summons Interview Regulations and Notice 2017–38, 2017–30 I.R.B. 147, noted the potential hazards that could arise from the IRS hiring attorney contractors for their expertise with Federal tax laws, the hiring of a CPA or other accountant by the IRS as a contractor has not been established as a widely held concern. Accordingly, the Treasury Department and the IRS have determined (1) that hiring outside CPAs and accountants as contractors in an examination does not pose the same potential risk to tax administration that prior commenters had identified for the IRS hiring of outside attorneys, who are trained at developing facts and taking testimony, and (2) that the IRS is justified in contracting for the resources and expertise of CPAs and accountants from outside of the IRS in certain large or complex cases.

Explanation of the Final Regulations

The preamble to proposed regulations explained the various provisions of the proposed regulations in detail. Because these final regulations adopt the proposed regulations without any modifications, any persons interested in understanding the provisions of these final regulations should consult the preamble discussion of these provisions in the proposed regulations.

Special Analyses

These regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations. Therefore, a regulatory impact assessment is not required.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these regulations do not impose a significant economic impact on a substantial number of small entities. The final regulations mainly affect the IRS and do not impose requirements on small entities. Thus, no economic impact will result from these regulations on any small entity. Accordingly, the Secretary of the Treasury's delegate certifies that the rule

will not have a significant economic impact on a substantial number of small entities.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these final regulations was submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comments on its impact on small business. No comments were received from the Chief Counsel for the Office of Advocacy of the Small Business Administration.

Drafting Information

The principal author of these final regulations is William V. Spatz of the Office of Associate Chief Counsel (Procedure and Administration). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The general authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.7602–1 is amended:

■ 1. In paragraph (b)(2), by adding ''(Secretary)'' at the end of the first sentence.

■ 2. By revising paragraphs (b)(3) and (d).

The revisions read as follows:

§ 301.7602–1 Examination of books and witnesses.

* * * * *

(b) * * *

(3) *Participation of a person described in section 6103(n)*—(i) *IRS contractor access to books and records obtained by the IRS administratively*—(A) *In general.* The Secretary may not, under the authority of section 6103(n), provide any books, papers, records, or other data obtained pursuant to section 7602 to any person authorized under section 6103(n), except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the IRS.

(B) *Persons providing expert evaluation and assistance.* For the purposes of paragraph (b)(3)(i)(A) of this section, persons providing expert evaluation and assistance may include, but are not limited to, the following:

(*1*) Persons with specialized expertise in certain substantive areas, including, but not limited to, economists, engineers, attorneys specializing in an area relevant to an issue in the examination (such as patent law, property law, environmental law, or foreign, state, or local law (including foreign, state, or local tax law)), industry experts, or other subject-matter experts;

(*2*) Persons providing support as ancillary service contractors including, but not limited to, court reporters, translators or interpreters, photocopy services, providers of data processing programs or equipment, litigation support services, or other similar contractors; and

(*3*) Whistleblower-related contractors described in § 301.6103(n)–2.

(C) *Hiring of certain non-government attorneys.* The IRS may not hire an attorney as a contractor to assist in an examination under section 7602 unless the attorney is hired by the IRS as a specialist in foreign, state, or local law (including foreign, state, or local tax law), or in non-tax substantive law that is relevant to an issue in the examination, such as patent law, property law, or environmental law, or is hired for knowledge, skills, or abilities other than providing legal services as an attorney.

(ii) *IRS contractor participation in an IRS summons interview*—(A) *In general.* No person other than an officer or employee of the IRS or its Office of Chief Counsel may, on behalf of the Secretary, question a witness under oath whose testimony was obtained pursuant to section 7602. Persons authorized by section 6103(n) and with whom the Secretary may provide books, papers, records, or other data obtained pursuant to section 7602 may also attend a summons interview and provide assistance to the IRS or Office of Chief Counsel employees in attendance, but may not question the summoned witness under oath or ask a summoned person's representative to clarify an objection or assertion of privilege.

(B) *Court reporters, translators, and interpreters are not barred from asking questions.* Court reporters who are hired as contractors by the IRS to make a record of an IRS summons interview are permitted to ask typical housekeeping questions of a summoned witness. Examples of such questions include, but are not limited to, asking whether the witness swears to tell the truth, asking the witness to spell a word or phrase, and asking whether the witness can speak up or speak rather than gesture an answer. Translators and interpreters who are hired as contractors by the IRS to assist in the interview of a summoned witness are permitted to translate any of the questions that are asked of the witness by an IRS or Office of Chief Counsel officer or employee and to ask questions which may be necessary to clarify the translation.

* * * * *

(d) *Applicability date.* This section is applicable after September 3, 1982, except for paragraphs (b)(1) and (2) of this section, which are applicable on and after April 1, 2005, and paragraph (b)(3) of this section, which applies to examinations begun or administrative summonses served by the IRS on or after August 6, 2020. For rules under paragraphs (b)(1) and (2) of this section that are applicable to summonses issued on or after September 10, 2002 or under paragraph (b)(3) of this section that are applicable to summons interviews conducted on or after June 18, 2014 and before July 14, 2016, see 26 CFR 301.7602–1T (revised as of April 1, 2016). For rules under paragraph (b)(3) of this section that are applicable to administrative summonses served by the IRS before August 6, 2020, see 26 CFR 301.7602–1 (revised as of April 1, 2020).

Douglas W. O'Donnell,

Deputy Commissioner for Services and Enforcement.

Approved: August 20, 2021.

Mark J. Mazur,

Acting Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2021–19225 Filed 9–2–21; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0585]

Safety Zones; Fireworks Displays, Air Shows and Swim Events in the Captain of the Port Long Island Sound Zone

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

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones for marine events in the Long Island Sound Captain of the Port Zone on the dates and times provided in the tables below. This action is

necessary to provide for the safety of life and property along the navigable waterways. During the enforcement periods, all vessels that transit in the locations listed must adhere to the regulations unless specified by the Captain of the Port (COTP) or designated representative.

DATES: The regulations in 33 CFR 165.151 will be enforced for 9.3 Village of Island Park Labor Day Celebration Fireworks, 9.4 The Creek Fireworks, and 9.7 Dolan Family Labor Day Fireworks regulated areas listed in the Table to § 165.151 from 8:30 p.m. to 10:30 p.m. on September 4 and 6, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MST1 Chris Gibson, Waterways Management Division, U.S. Coast Guard; telephone 203–468–4565, email *chris.a.gibson@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.151 at the specified dates and times indicated below.

TABLE 1 TO § 165.151

9.3 Village of Island Park Labor Day Celebration Fireworks	• Date: September 4, 2021. From 8:30 p.m. to 10:30 p.m. • Location: Waters off Village of Island Park Fishing Pier, Village Beach, NY, in approximate position 40°36′30.95″ N, 073°39′22.23″ W (NAD 83).
9.4 The Creek Fireworks	• Date: September 4, 2021. From 8:30 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound off the Creek Golf Course, Lattingtown, NY, in approximate position 40°54′13″ N, 073°35′58″ W (NAD 83).
9.7 Dolan Family Labor Day Fireworks	• Date: September 6, 2021. From 8:30 p.m. to 10:30 p.m. • Location: Waters of Oyster Bay Harbor in Long Island Sound off Oyster Bay, NY in approximate position 40°53′43.50″ N, 073°30′06.85″ W.

This action is being taken to provide for the safety of life on navigable waterways during these events. During the enforcement periods, as reflected in § 165.151, the established safety zones prohibit persons and vessels entering into, transiting through, mooring, or anchoring unless they receive permission from the COTP or designated representative.

This notification issued under authority 46 U.S.C. 70041 and 5 U.S.C. 552 (a). 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. If the COTP determines that the safety zone is no longer enforceable for the full duration in this notification, a Broadcast Notice to Mariners may grant permission to enter the regulated area.

Dated: August 27, 2021.

E.J. Van Camp,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 2021–19149 Filed 9–3–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2021–0052; FRL–8876–02–R3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Emissions Statement Requirement for the 2015 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision formally submitted by the Maryland Department of the Environment (MDE) on behalf of the State of Maryland. The revision provides the State of Maryland's certification that its existing emissions statement program satisfies the emissions statement requirements of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standard (NAAQS). EPA is approving the State of Maryland's emissions statement program certification for the 2015 ozone NAAQS as a SIP revision in accordance with the requirements of the CAA.

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

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2021–0052. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Adam Yarina, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2108. Mr. Yarina can also be reached via electronic mail at *yarina.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 16, 2021 (86 FR 32006), EPA published a notice of proposed rulemaking (NPRM) proposing approval of a SIP revision for the State of Maryland. In the NPRM, EPA proposed approval of Maryland's certification that Maryland's emissions statement regulation meets the emissions statement requirement of section 182(a)(3)(B) of the CAA for the 2015 ozone NAAQS. The formal SIP revision was submitted by the State of Maryland,

through the Maryland Department of the Environment, on July 6, 2020.

II. Summary of SIP Revision and EPA Analysis

On July 6, 2020, the State of Maryland, through the MDE, submitted a SIP revision to satisfy the emissions statement requirement of CAA section 182(a)(3)(B) for the 2015 ozone NAAQS. EPA first approved Maryland's SIP submittal satisfying CAA section 182(a)(3)(B) on October 12, 1994 (59 FR 51517) and has approved Maryland's submissions for section 182(a)(3)(B) for each succeeding revision of the ozone NAAQS. Maryland's emissions reporting requirements are codified in Code of Maryland Regulations (COMAR) 26.11.01.05–1 ''Emissions Statements.'' COMAR 26.11.01.05–1 requires sources that emit above specified thresholds of Nitrogen Oxides (NO_X) or Volatile Organic Compounds (VOC) to submit an emissions statement to the State. The emissions threshold for reporting varies according to the county in which the source is located. The statement must be submitted by a certified individual who can verify the source's actual emissions.

In Maryland's July 6, 2020 SIP submittal, Maryland certifies that the existing COMAR 26.11.01.05–1 ''Emissions Statements'' continues to satisfy section 182(a)(3)(B) for the 2015 ozone NAAQS because Maryland has not made any changes since EPA's prior approval and COMAR 26.11.01.05–1 meets the CAA requirements for emission statements. EPA finds that COMAR 26.11.01.05–1 continues to satisfy CAA section 182(a)(3)(B) because the existing rule is applicable to the entire State of Maryland and requires stationary sources that emit NO_X or VOC to submit an emissions statement to the State detailing the sources' emissions. EPA finds that Maryland's emissions thresholds for stationary sources that are required to submit an emissions statement meet CAA requirements in sections 182 (plan submissions and requirements for ozone nonattainment areas) and 184 (Ozone Transport Region requirements). Therefore, EPA has determined that COMAR 26.11.01.05–1, which is currently in the Maryland SIP, is appropriate to address the emissions statement requirement in section 182(a)(3)(B) and is approving this SIP revision.

Other specific requirements of and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here. No public comments were received on the NPRM.

III. Final Action

EPA is approving, as a SIP revision, the State of Maryland's July 6, 2020 emissions statement certification for the 2015 ozone NAAQS as approvable under CAA section 182(a)(3)(B). Maryland's emissions statement certification certifies that Maryland's existing SIP-approved emissions statement program under COMAR 26.11.01.05–1 satisfies the requirements of CAA section 182(a)(3)(B) for the 2015 ozone NAAQS.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 8, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: August 28, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (e) is amended by adding an entry for ''Emissions Statement Certification for the 2015 Ozone National Ambient Air Quality Standard'' at the end of the table to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Emissions Statement Certification for the 2015 Ozone National Ambient Air Quality Standard.	State-wide	7/6/20	9/7/21, [insert **Federal Register** citation].	Certification that Maryland's previously approved regulation at COMAR 26.11.01.05–1 meets the emission statement requirements for the 2015 ozone NAAQS.

[FR Doc. 2021–19084 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

[DOI–2020–0014; DS65100000, DWSN00000.000000, DP.65106, 21XD4523WS]

RIN 1090–AB13

Privacy Act Regulations; Exemption for the Physical Security Access Files System

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is issuing a final rule to amend its regulations to exempt certain records in the INTERIOR/DOI–46, Physical Security Access Files, system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative law enforcement requirements.

DATES: The final rule is effective September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240, *DOI_Privacy@ios.doi.gov* or (202) 208–1605.

SUPPLEMENTARY INFORMATION:

Background

The Department of the Interior (DOI) published a notice of proposed rulemaking (NPRM) in the **Federal Register** at 85 FR 7515 (February 10, 2020) proposing to exempt portions of the INTERIOR/DOI–46, Physical Security Access Files, system of records from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2), (k)(3), and (k)(5) due to criminal, civil, and administrative law enforcement requirements. The INTERIOR/DOI–46, Physical Security Access Files, system of records notice (SORN) was published in the **Federal Register** at 85 FR 3406 (January 21, 2020). Comments were invited on both the Physical Security Access Files SORN and NPRM. DOI received one comment on the SORN and one comment on the NPRM that were not relevant to the subject. The rulemaking will be implemented as proposed with three corrections.

The word ''Access'' was inadvertently omitted from the system name in the NPRM. The system name is corrected to ''Physical Security Access Files'' in paragraphs (c)(19), (d)(1), and (e)(5) of this final rule, which is consistent with the INTERIOR/DOI–46 SORN published in the **Federal Register** at 85 FR 3406 (January 21, 2020). Paragraph (b)(18) of the NPRM was reserved for the INTERIOR/BSEE–01, Investigations Case Management System (CMS), which became effective when the final rule was published in the **Federal Register** at 85 FR 1282 (January 10, 2020). Paragraph (b)(18) has been redesignated to (c)(18) for the INTERIOR/BSEE–01, Investigations Case Management System (CMS), as described in this final rule. A non-substantive editorial change was made to correct the formatting for the list of exempt systems in subsection 2.254 paragraphs (c), (d) and (e) to reflect the SORN number followed by the SORN title to be consistent with DOI's current SORN format.

Procedural Requirements

1. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. DOI developed this rule in a manner consistent with these requirements.

2. Regulatory Flexibility Act

DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the Regulatory Flexibility Act.

3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on the private sector, of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. The rule is not a governmental action capable of interference with constitutionally protected property rights. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it 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. A Federalism Assessment is not required.

7. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

8. Consultation With Indian Tribes (E.O. 13175)

In accordance with Executive Order 13175, DOI has evaluated this rule and determined that it would have no substantial effects on federally recognized Indian Tribes.

9. Paperwork Reduction Act

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

10. National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal Action significantly affecting the quality for the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. We have determined the rule is categorically excluded under 43 CFR 46.210(i) because it is administrative, legal, and technical in nature. We also have determined the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

11. Data Quality Act

In developing this rule, there was no need to conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, section 515).

12. Effects on Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. A Statement of Energy Effects is not required.

13. Clarity of This Regulation

We are required by Executive Order 12866 and 12988, the Plain Writing Act of 2010 (Pub. L. 111–274), and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

—Be logically organized;
—Use the active voice to address readers directly;
—Use clear language rather than jargon;
—Be divided into short sections and sentences; and
—Use lists and tables wherever possible.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Confidential information, Courts, Freedom of Information Act, Privacy Act.

For the reasons stated in the preamble, the Department of the Interior amends 43 CFR part 2 as follows:

PART 2—FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461.

■ 2. Revise § 2.254 to read as follows:

§ 2.254 Exemptions.

(a) *Criminal law enforcement records exempt under 5 U.S.C. 552a(j)(2).* Pursuant to 5 U.S.C. 552a(j)(2) the following systems of records are exempted from all of the provisions of 5 U.S.C. 552a and the regulations in this subpart except paragraphs (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (12), and (i) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these paragraphs:

(1) INTERIOR/FWS–20, Investigative Case File System.

(2) INTERIOR/BIA–18, Law Enforcement Services System.

(3) INTERIOR/NPS–19, Law Enforcement Statistical Reporting System.

(4) INTERIOR/OIG–02, Investigative Records.

(5) INTERIOR/DOI–10, Incident Management, Analysis and Reporting System.

(6) INTERIOR/DOI–50, Insider Threat Program.

(b) [Reserved]

(c) *Law enforcement records exempt under 5 U.S.C. 552a(k)(2).* Pursuant to 5

U.S.C. 552a(k)(2), the following systems of records are exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

(1) INTERIOR/OIG–2, Investigative Records.

(2) INTERIOR/FWS–21, Permits System.

(3) INTERIOR/BLM–18, Criminal Case Investigation System.

(4) INTERIOR/BLM–19, Civil Trespass Case Investigations.

(5) INTERIOR/BLM–20, Employee Conduct Investigations.

(6)–(7) [Reserved]

(8) INTERIOR/NPS–17, Employee Financial Irregularities.

(9) INTERIOR/Reclamation–37, Trespass Cases.

(10) INTERIOR/SOL–1, Litigation, Appeal and Case Files System, to the extent that it consists of investigatory material compiled for law enforcement purposes.

(11) INTERIOR/FWS–19, Endangered Species Licenses System.

(12) INTERIOR/FWS–20, Investigative Case File System.

(13) INTERIOR/BIA–24, Timber Cutting and Trespass Claims Files.

(14) INTERIOR/DOI–11, Debarment and Suspension Program.

(15) INTERIOR/DOI–10, Incident Management, Analysis and Reporting System.

(16) INTERIOR/DOI–50, Insider Threat Program.

(17) INTERIOR/DOI–24, Indian Arts and Crafts Board.

(18) INTERIOR/BSEE–01, Investigations Case Management System (CMS).

(19) INTERIOR/DOI–46, Physical Security Access Files.

(d) *Records maintained in connection with providing protective services exempt under 5 U.S.C. 552a(k)(3).* Pursuant to 5 U.S.C. 552a(k)(3), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

(1) INTERIOR/DOI–46, Physical Security Access Files.

(2) [Reserved]

(e) *Investigatory records exempt under 5 U.S.C. 552a(k)(5).* Pursuant to 5 U.S.C. 552a(k)(5), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

(1) [Reserved]

(2) INTERIOR/GS–9, National Research Council Grants Program.

(3) INTERIOR/OS–68, Committee Management Files.

(4) INTERIOR/DOI–11, Debarment and Suspension Program.

(5) INTERIOR/DOI–46, Physical Security Access Files.

Signed: _____

Teri Barnett,

Departmental Privacy Officer, Department of the Interior.

[FR Doc. 2021–18575 Filed 9–3–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 201209–0332]

RTID 0648–XB376

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer from ME to RI

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

ACTION: Notification; quota transfer.

SUMMARY: NMFS announces that the State of Maine is transferring a portion of its 2021 commercial bluefish quota to the State of Rhode Island. This quota adjustment is necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for Maine and Rhode Island.

DATES: Effective September 1, 2021, through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2021 allocations were published on December 16, 2020 (85 FR 81421).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must approve any such transfer based on the criteria in § 648.162(e). In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

Maine is transferring 15,000 lb (6,804 kg) of bluefish commercial quota to Rhode Island through mutual agreement of the states. This transfer was requested to ensure that Rhode Island would not exceed its 2021 state quota. The revised bluefish quotas for 2021 are: Maine, 3,503 lb (1,589 kg); and Rhode Island, 203,434 lb (92,276 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: September 1, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–19208 Filed 9–1–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 170
Tuesday, September 7, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

[Doc. No. AMS–SC–20–0095; SC21–946–1 PR]

Termination of the Marketing Order for Irish Potatoes Grown in Washington State

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on the proposed termination of the Federal marketing order regulating the handling of Irish potatoes grown in Washington, and the rules and regulations issued thereunder. The marketing order is administered locally by the State of Washington Potato Committee (Committee), which unanimously recommended its termination at a meeting held on June 11, 2020. This recommendation is based on the Committee's determination that the marketing order is no longer an effective marketing tool for the Washington potato industry and that termination would best serve the current needs of the industry by eliminating the cost associated with its operation.

DATES: Comments must be received by November 8, 2021.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be submitted to the Docket Clerk electronically by Email: *MarketingOrderComment@usda.gov* or internet: *https://www.regulations.gov*. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and can be viewed at: *https://www.regulations.gov*. All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Gregory A. Breasher, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2054 or Email: *Gregory.Breasher@usda.gov* or *GaryD.Olson@usda.gov*.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov*.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes the termination of regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Order No. 946, as amended (7 CFR part 946), regulating the handling of potatoes grown in Washington. Part 946 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers operating within the production area.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

In addition, this proposed rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications. The Agricultural Marketing Service (AMS) has determined this proposed rule is unlikely to have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to a marketing order may file with USDA a petition stating that the marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order is not in accordance with law and request a modification of the marketing order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule proposes to terminate the Order and rules and regulations issued thereunder. The Order contains authority for the regulation of Irish potatoes grown in Washington. At a virtual meeting held on June 11, 2020, the Committee unanimously recommended termination of the Order.

Section 946.63(b) of the Order provides that USDA terminate or suspend any or all provisions of the Order when a finding is made that the Order does not tend to effectuate the declared policy of the Act. In addition, section 608c(16)(A) of the Act provides that USDA terminate or suspend the operation of any order whenever the order or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act. Additionally,

USDA is required to notify Congress no later than 60 days before the date on which the Order would be terminated.

Marketing Order No. 946 has been in effect since 1949 and has provided the potato industry in Washington with authority for grade, size, quality, maturity, pack, and container regulations, as well as authority for mandatory product inspection. The Committee has met regularly to evaluate the current status of the Washington potato industry and to consider recommendations for modification, suspension, or termination of the Order's regulatory requirements, which have been issued on a continuing basis. Committee meetings are open to the public and interested persons may express their views at these meetings. The USDA reviews Committee recommendations, including information provided by the Committee and from other available sources, and determines whether modification, suspension, or termination of the Order's regulatory requirements would tend to effectuate the declared policy of the Act.

Handling regulations requiring potatoes to be inspected and meet mandatory minimum grade, size, maturity, quality, pack, and container requirements were in effect for all types of potatoes until 2010. USDA temporarily suspended handling regulations for Russet type potatoes for one-year, effective July 24, 2010 (75 FR 43042), and subsequently extended that suspension indefinitely effective July 1, 2011 (76 FR 27850). Further, USDA temporarily suspended handling regulations for yellow fleshed and white type potatoes effective October 24, 2013 (78 FR 62967), also extending that suspension indefinitely effective July 1, 2014 (79 FR 26109). Lastly, USDA indefinitely suspended handling regulations for all red types of potatoes effective February 15, 2014 (79 FR 8253). The cumulative effect of these suspensions was the total suspension of handling regulations for all fresh potatoes under the Order after July 1, 2014. All suspensions listed above were conducted upon the recommendation of the Committee.

Following these regulatory suspensions, the Committee continued to levy assessments in order to maintain its functionality. The Committee felt that it should continue to fund its full operational capability in order to collect handler reports, track industry data, and preserve the authority to regulate handling, should that become relevant to the industry again sometime in the future.

The Committee met on January 22 and June 11, 2020, to discuss the current marketing environment of the Washington potato industry and the status of the Order. The Committee determined that the suspension of the Order's handling regulations have not negatively impacted the industry and that there is no longer a need for the Order. In addition, the Committee concluded that data collection and reporting functions of the Order are duplicative of the services provided to the industry by the Washington State Potato Commission and that termination of the Order would not materially impact the collection and dissemination of essential industry data.

At the meeting held via conference call on June 11, 2020, the Committee unanimously voted in favor of recommending that USDA to terminate the Order. In addition, the Committee recommended the Order's reporting and assessment requirements—the only regulatory activities still in effect—be suspended while USDA processes termination of the Order. The recommendation to suspend all remaining Order activities is a separate regulatory action from this rule. A proposed rule to suspend the Order's reporting and assessment requirements was published in the **Federal Register** October 13, 2020 (85 FR 64415).

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 26 handlers of Washington potatoes and approximately 250 potato producers in the production area subject to regulation by the Order.

Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $30,000,000, and small agricultural producers are defined as those having annual receipts of less than $1,000,000 (13 CFR 121.201).

According to USDA Market News, the average shipping point price for fresh Washington potatoes during the 2019 shipping season was approximately $15.79 per hundredweight. The Committee reported that 2019–2020 marketing year fresh potato shipments were 9,687,170 hundredweight. Using the average price and shipment information, the number of handlers, and assuming a normal distribution, most handlers had average annual receipts of less than $30,000,000 ($15.79 times 9,687,170 hundredweight equals $152,960,414, divided by 26 handlers equals $5,883,093 per handler). Thus, AMS concludes that the majority of handlers would meet the SBA definition of a small business.

USDA National Agricultural Statistics Service reported an average producer price of $8.20 per hundredweight for the 2019 crop. Given the number of Washington potato producers and assuming a normal distribution, average annual producer revenue is below $1,000,000 ($8.20 times 9,687,170 hundredweight equals $79,434,794, divided by 250 producers equals $317,739 per producer). Therefore, most producers of fresh Washington potatoes may be classified as small businesses under the SBA definition.

This rule proposes to terminate the Federal marketing order for Irish potatoes grown in Washington, and rules and regulations issued thereunder. The Order contains authority to regulate the handling of Irish potatoes grown in Washington. The Committee determined that regulating the handling of potatoes under the Order is no longer an effective marketing tool for the Washington potato industry. Evidence from the past 6 years of operating with suspended handling regulations showed that potatoes can be shipped from the production area in the absence of the Order's minimum requirements without a negative economic impact on the industry.

Secondly, the Committee determined that the data collection and reporting function of the Order is duplicative of the services provided to the industry by the Washington State Potato Commission. The termination of the Order would not materially impact the collection and dissemination of essential industry data to Washington State potato growers.

As such, the Committee concluded that the cost associated with the administration of the Order outweigh benefits of continuing the Order. This conclusion is based on the Committee's analysis of the 6-year period of regulatory suspension and findings that termination is not expected to

negatively impact the marketing of fresh Washington potatoes because this action reduces costs to both handlers and producers. Therefore, in an action taken on June 11, 2020, the Committee unanimously recommended that USDA terminate the Order.

Section 946.63(b) of the Order provides that USDA to terminate or suspend any or all provisions of the Order when a finding is made that the Order does not tend to effectuate the declared policy of the Act. Furthermore, § 608c(16)(A) of the Act provides that USDA shall terminate or suspend the operation of any order whenever the order or provision thereof obstructs or does not tend to effectuate the declared policy of the Act. An additional provision requires that Congress be notified not later than 60 days before the date on which order would be terminated.

The Committee considered alternatives to this rule, including taking no action (which would keep the Order active but with the handling regulations suspended) and suspending all of the Order's remaining regulatory provisions but not terminating the Order. The Committee determined that neither option was a viable long-term solution, and subsequently, recommended that the Order be terminated.

This proposed rule is intended to solicit input and other available information from interested parties on whether the Order should be terminated. USDA will evaluate all available information prior to making a final action on this matter.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. Termination of the Order and reporting requirements prescribed therein, would reduce the reporting burden on Washington potato handlers by an estimated 9.7 hours per handler. Handlers would no longer be required to file forms with the Committee, which is expected to reduce industry expenses. This rule would not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

AMS is committed to complying 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.

Committee meetings are widely publicized throughout the Washington potato industry, and all interested persons are invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the January 22 and June 11, 2020, meetings were public meetings, and all entities, both large and small, were able to express their views on these issues. Interested persons are invited to submit comments on this proposed rule, including regulatory and information collection impacts of this proposed action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on the proposed termination of Marketing Order 946, which regulates the handling of Irish potatoes grown in Washington. A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final action is made on this matter.

Based on the foregoing and pursuant to § 608c(16)(A) of the Act and § 946.63 of the Order, USDA is considering termination of the Order. If USDA decides to terminate the Order, trustees would be appointed to conclude and liquidate the Committee affairs and would continue in that capacity until discharged by USDA. In addition, USDA would notify Congress 60 days in advance of termination pursuant to § 608c(16)(A) of the Act.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, part 946 is proposed to be removed.

PART 946—IRISH POTATOES GROWN IN WASHINGTON—[REMOVED]

■ 1. The authority citation for part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Accordingly, part 946 is removed.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–19238 Filed 9–3–21; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 707

[AU–RM–19–WSAP]

RIN 1992–AA60

Workplace Substance Abuse Programs at DOE Sites

AGENCY: Office of Environment, Health, Safety and Security; Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is proposing to amend its current regulations on contractor workplace substance abuse programs at DOE sites to be consistent with the Secretary of Energy's memorandum, dated September 14, 2007, entitled *Decisions regarding drug testing for Department of Energy positions that require access authorizations (Security Clearances),* and because there is a continued need for these changes. The proposed amendments would decrease the random drug testing rate for individuals in certain testing designated positions, and clarify that all positions requiring access authorizations (security clearances) are included in the testing designated positions. In addition, the proposed amendments would clarify requirements for DOE approval prior to allowing persons in certain testing designated positions to return to work after removal for illegal drug use.

DATES: The comment period for this proposed rule will end on October 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. AU–RM–19–WSAP and/or Regulation Identification Number (RIN) 1992–AA60, through the *Federal e-Rulemaking Portal: https://www.regulations.gov.* Follow the instructions in the portal for submitting comments.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently accepting only electronic

submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Ms. Moriah Ferullo at (301) 903–0881 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section V. of this document (Public Participation—Submission of Comments).

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *https://www.regulations.gov*. All documents in the docket are listed in the *https://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available. A link to the docket web page can be found at: *https://www.energy.gov/ehss/contractor-workplace-substance-abuse-program-doe-sites-10-cfr-707*. This web page contains a link to the docket for this document on the *https://www.regulations.gov* site. The *https://www.regulations.gov* web page contains instructions on how to access all documents, including public comments, in the docket. See section V. of this document for further information on how to submit comments through *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Moriah Ferullo, U.S. Department of Energy, Office of Environment, Health, Safety and Security, AU–11, 1000 Independence Avenue SW, Washington, DC 20585; (301) 903–0881 or by email at: *moriah.ferullo@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background
II. Authority
III. Discussion of Proposed Amendments
IV. Procedural Review Requirements
A. Review Under Executive Order 12866 and 13563
B. Review Under the National Environmental Policy Act
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
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H. Review Under Executive Order 12988
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J. Review Under Executive Order 13211
V. Public Participation—Submission of Comments
VI. Approval by the Office of the Secretary of Energy

I. Background

Pursuant to the Department of Energy's (DOE or the Department) statutory authority, including the Atomic Energy Act of 1954, as amended (AEA), and the Drug-Free Workplace Act of 1988, DOE promulgated a rule on July 22, 1992 (57 FR 32652), establishing minimum requirements for DOE contractor workplace substance abuse programs. The rule provided for drug testing of contractor employees in, and applicants for, testing designated positions (TDPs) at sites owned or controlled by DOE and operated under the authority of the AEA. The Department determined that possible risks of serious harm to the environment and to public health, safety, and national security justified the imposition of a uniform rule establishing a baseline workplace substance abuse program, including drug testing. The rule created a new Part 707 of Title 10 in the Code of Federal Regulations (CFR) entitled *Workplace Substance Abuse Programs at DOE Sites.*

On September 14, 2007, the Secretary of Energy (Secretary) issued a memorandum addressing drug testing for DOE positions that require access authorizations (security clearances). The memorandum stated the Secretary's determination that all Federal and contractor positions that require a security clearance, and all employees in positions that currently have security clearances, have the potential to significantly affect the environment, public health and safety, or national security. The Secretary determined that all such positions would be considered to be TDPs, which means they are subject to applicant, random, and for cause drug testing. The Secretary further determined, with regard to random drug testing, that employees in TDPs, other than those designated to be included in the 100 percent annual sample pool (primarily employees in the Human Reliability Program), be tested at a 30 percent annual sample rate. To implement the memorandum's provisions regarding TDPs for DOE contractor employees, the Department issued a final rule at 10 CFR part 707. *See* 73 FR 3861 (Jan. 23, 2008). However, the 2008 final rule contained incorrect section references. Whereas 10 CFR 707.7(a)(2) states that ''positions identified in paragraph (b)(3) of this section shall provide for random tests at a rate equal to 30 percent of the total number of employees in testing designated positions for each 12-month period'', the correct reference should have been to paragraphs (b)(2) and (b)(3). Furthermore, the second sentence of 10 CFR 707.7(a)(2), 10 CFR 707.7(b)(2)(iii), and 10 CFR 707.14(e) each contain an incorrect reference to paragraph (b)(2) of 10 CFR 707.7. Since TDPs identified in paragraph (b)(2) should be tested at a 30 percent annual sample rate and do not require DOE approval for return to work after illegal drug use, the references to ''(b)(2)'' in the second sentence of 10 CFR 707.7(a)(2); in 10 CFR 707.7(b)(2)(iii); and in 10 CFR 707.14(e) should be removed. The proposed second sentence of 10 CFR 707.7(a)(2) would state that employees in the positions identified in paragraphs (b)(1) and (c) of this section will be subject to random testing at a rate equal to 100 percent of the total number of employees identified, and those identified in paragraphs (b)(1) and (c) of this section may be subject to additional drug tests. DOE proposes to replace the reference to (b)(2) with (c) in 10 CFR 707.7(b)(2)(iii). In accordance with the 2007 Secretarial memorandum, and because there is a continued need for these changes, DOE proposes to add a new requirement at 10 CFR 707.7(b)(2)(vi) that access authorization (security clearance) holders be tested. That proposed section would refer to all other personnel in positions that require an access authorization (security clearance), other than those identified in paragraphs (b)(1) and (c) of this section.

II. Authority

This proposed rule would continue to establish minimum requirements for the workplace substance abuse programs for DOE contractors and their employees, and would be promulgated pursuant to DOE's authority under section 161 of the AEA to prescribe such regulations as it deems necessary to govern any activity authorized by the AEA, including standards for the protection of health and minimization of danger to life or property (42 U.S.C. 2201(i)(3) and (p)) and section 8102 of the Drug Free Workplace Act of 1988, as amended (41 U.S.C. 8102).

III. Discussion of Proposed Amendments

This proposed rule would amend DOE's regulations on contractor workplace substance abuse programs at DOE sites to modify the random drug testing rate of contractor employees in TDPs, other than those in the 100 percent rate of testing pool, and to clarify that all positions requiring access

authorizations (security clearances) are TDPs, as the Secretary established in 2007.

Currently, 10 CFR 707.7(a)(2) provides that contractor employees in positions identified in paragraphs 10 CFR 707.7(b)(2) will be subject to random testing at a rate equal to 100 percent of the total number of employees identified. The 2008 revisions to the rule incorrectly placed these TDPs in the random testing rate of 100 percent, which was never the intent of the Department. Rather, the employees identified in paragraph 10 CFR 707.7(b)(2) should have been placed in the 30 percent testing rate category and their return to work in TDPs after illegal drug use should not require DOE approval. This proposed rule would modify references to the employees identified in 10 CFR 707.7(b)(2) to be consistent with the Secretary's 2007 decision to decrease the random drug testing rate for certain TDPs. This proposed rule would also make clear that all positions requiring a security clearance are TDPs, as the Secretary had intended to establish in 2007.

IV. Procedural Review Requirements

A. Review Under Executive Order 12866 and 13563

This regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action is not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. 76 FR 3281 (January 21, 2011). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, OIRA has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, DOE believes that this proposed rule is consistent with these principles, including the requirement that, to the extent permitted by law, benefits justify costs and that net benefits are maximized.

B. Review Under the National Environmental Policy Act

DOE has determined that this proposed rule is covered under the Categorical Exclusion found in DOE's National Environmental Policy Act regulations at paragraph A.5 of Appendix A to Subpart D, 10 CFR part 1021, which applies to interpretive rulemakings that amend an existing rule or regulation that do not change the environmental effect of the rule or regulation being amended.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that an agency prepare an initial regulatory flexibility analysis for any regulation for which a general notice of proposed rulemaking is required, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)).

This proposed rule would update DOE's regulations on workplace substance abuse programs for its contractor workers. This proposed rule applies only to activities conducted by DOE's contractors. The contractors who manage and operate DOE facilities would be principally responsible for implementing the rule requirements. DOE considered whether these contractors are ''small businesses'' as the term is defined in the Regulatory Flexibility Act (5 U.S.C. 601(3)). The Regulatory Flexibility Act's definition incorporates the definition of small business concerns in the Small Business Act, which the Small Business Administration (SBA) has developed through size standards in 13 CFR part 121. The DOE contractors subject to the proposed rule exceed the SBA's size standards for small businesses. In addition, DOE expects that any potential economic impact of this proposed rule on small businesses would be minimal because DOE contractors perform work under contracts to DOE or prime contractors at a DOE site. DOE contractors are reimbursed through their contracts for the costs of complying with workplace substance abuse program requirements. They would not, therefore, be adversely impacted by the requirements in this proposed rule. For these reasons, DOE certifies that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, and therefore, no regulatory flexibility analysis need be prepared.

D. Review Under the Paperwork Reduction Act

This proposed rule does not impose any new collection of information subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. Subsection 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon State, local, or tribal governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate, which may result in costs to State, local or tribal governments, or to the private sector, of

$100 million or more in any one year (adjusted annually for inflation). Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of State, local, and tribal governments.

This proposed rule does not impose a Federal mandate on State, local or tribal governments. The proposed rule would 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 one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

F. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

G. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this proposed rule and has determined that it would not preempt State law and would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

H. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for the affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of the standards. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

I. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this proposed rule under OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare, and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1)(i) Is a significant regulatory action under Executive Order 12866, or any successor order; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This proposed rule would not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

V. Public Participation—Submission of Comments

DOE will accept comments, data and information regarding this proposed rule before or until October 7, 2021. Interested individuals are invited to participate in this proceeding by submitting data, views, or arguments with respect to this proposed rule using the method described in the **ADDRESSES** section at the beginning of this proposed rule. To help the Department review the submitted comments, commenters are requested to reference the paragraph(s) to which they refer, *e.g.,* 10 CFR 707.7(a)(2), where possible.

Submitting comments via https://www.regulations.gov. The *https://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE's Office of Worker Safety and Health Policy staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment. However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *https://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *https://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section below.

DOE processes submissions made through *https://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *https://www.regulations.gov* provides after you have successfully uploaded your comment.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email to *moriah.ferullo@hq.doe.gov*. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing its regulations. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the rulemaking process.

VI. Approval by the Office of the Secretary of Energy

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects in 10 CFR Part 707

Classified information, Drug testing, Employee assistance programs, Energy, Government contracts, Health and safety, National security, Reasonable suspicion, Special nuclear material, Substance abuse.

Signing Authority

This document of the Department of Energy was signed on July 20, 2021, by Jennifer Granholm, 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 September 1, 2021.

Treena V. Garrett,

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

For the reasons set out in the preamble, DOE proposes to amend part 707 of Chapter III of Title 10 of the Code of Federal Regulations as set forth below:

PART 707—WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

■ 1. The authority citation for part 707 is revised to read as follows:

Authority: 41 U.S.C. 8102 *et seq.;* 42 U.S.C. 2012, 2013, 2051, 2061, 2165, 2201b, 2201i, and 2201p; 42 U.S.C. 5814 and 5815; 42 U.S.C. 7151, 7251, 7254, and 7256; 50 U.S.C. 2401 *et seq.*

■ 2. Section 707.7 is amended by:

■ a. Revising paragraph (a)(2);

■ b. Revising paragraphs (b)(2)(iii) through (v); and

■ c. Adding paragraph (b)(2)(vi).

The revisions and addition read as follows:

§ 707.7 Random drug testing requirements and identification of testing designated positions.

(a) * * *

(2) Programs developed under this part for positions identified in paragraphs (b)(2) and (b)(3) of this section shall provide for random tests at a rate equal to 30 percent of the total number of employees in testing designated positions for each 12 month period. Employees in the positions identified in paragraphs (b)(1) and (c) of this section will be subject to random testing at a rate equal to 100 percent of the total number of employees identified, and those identified in paragraphs (b)(1) and (c) of this section may be subject to additional drug tests.

(b) * * *

(2) * * *

(iii) Protective force personnel, exclusive of those covered in paragraph (b)(1) and (c) of this section, in positions involving use of firearms where the duties also require potential contact with, or proximity to, the public at large;

(iv) Personnel directly engaged in construction, maintenance, or operation of nuclear reactors;

(v) Personnel directly engaged in production, use, storage, transportation, or disposal of hazardous materials sufficient to cause significant harm to the environment or public health and safety; or

(vi) All other personnel in positions that require an access authorization (security clearance), other than those identified in paragraphs (b)(1) and (c) of this section.

* * * * *

■ 3. Section 707.14 is amended by revising paragraph (e) to read as follows:

§ 707.14 Action pursuant to a determination of illegal drug use.

* * * * *

(e) If a DOE access authorization is involved, DOE must be notified of a contractor's intent to return to a testing designated position an employee removed from such duty for use of illegal drugs. Positions identified in § 707.7(b)(1) of this part will require DOE approval prior to return to a testing designated position.

* * * * *

[FR Doc. 2021–19231 Filed 9–3–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0904; Project Identifier 2019–SW–041–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a supplemental notice of proposed rulemaking SNPRM that applied to certain Airbus Helicopters Model EC225LP helicopters. This action revises the SNPRM by proposing to require the installation of an improved part, which would also provide a terminating action for the proposed requirements. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the SNPRM, the agency is requesting comments on this SNPRM.

DATES: The comment period for the SNPRM published in the **Federal Register** on May 10, 2021 (86 FR 24783) is reopened.

The FAA must receive comments on this SNPRM by October 22, 2021.

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

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

For service information identified in this SNPRM, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0904; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the first SNPRM, this SNPRM, the European Union Aviation Safety Agency (EASA) AD 2021–0156, any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–0904; Project Identifier 2019–SW–041–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may again revise this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this SNPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this SNPRM. Submissions containing CBI should be sent to Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email *hal.jensen@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an SNPRM to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model EC225LP helicopters, with a left-hand side (LH) engine fuel supply (fuel supply) hose part number (P/N) 704A34416087 installed. The SNPRM published in the **Federal Register** on May 10, 2021 (86 FR 24783). In the SNPRM, the FAA proposed to require visually inspecting the LH fuel supply hose P/N 704A34416087 for twisting, and if needed, borescope inspecting the entire length of the inside of the fuel supply hose for twisting. Depending on the inspection results, the SNPRM would require reinstalling or removing the fuel supply hose from service. Additionally, the SNPRM would prohibit installing a certain part-numbered LH fuel supply hose on any helicopter unless that LH fuel supply hose is installed by following certain procedures described in the manufacturer's service bulletin.

The SNPRM was prompted by EASA AD 2019–0092, dated April 26, 2019 (EASA AD 2019–0092), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters (formerly Eurocopter) Model EC 225 LP helicopters, all serial numbers. EASA advised that an occurrence was reported where during an in-flight single engine power check, the LH side engine experienced a power loss. EASA stated that a subsequent investigation determined that the fuel flow to the affected engine was restricted by a twisted fuel supply hose. EASA stated that this condition, if not detected and corrected, could lead to a decrease of the LH engine power when accelerating to the power setting corresponding to OEI power, and subsequent reduced control of the helicopter.

Accordingly, EASA AD 2019–0092 required a one-time visual inspection of the fuel supply hose and depending on the inspection results, removing from service or replacing the affected part. EASA AD 2019–0092 also introduced re-installation requirements for a fuel supply hose that is being replaced or reinstalled.

Actions Since the SNPRM Was Issued

Since the SNPRM was issued, EASA issued AD 2021–0156, dated July 2, 2021 (EASA AD 2021–0156), which supersedes EASA AD 2019–0092. EASA advises that Airbus Helicopters has developed an improved fuel supply hose P/N 704A34416101 and modification instructions to install the improved part. Accordingly, EASA AD 2021–0156 retains the requirements of EASA AD 2019–0092 and requires replacing the affected part with the improved part. EASA AD 2021–0156 also allows a terminating action for the inspection requirements once the improved part has been installed according to the installation requirements. Consequently, the FAA is revising the SNPRM to propose requiring installation of the improved part which would provide a terminating action for the previously proposed inspections.

Comments

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

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after determining the unsafe condition described previously is likely to exist or develop in other helicopters of these same type designs. Certain changes described above expand the scope of the first SNPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin No. EC225–71A019, Revision 2, dated May 21, 2021, which specifies procedures for removing the fuel supply hose from the LH power plant, visually inspecting the fuel supply hose for twisting, and depending on inspection results, performing an endoscope inspection on the inside of the hose. This service information also specifies procedures required to install the improved fuel supply hose.

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

Other Related Service Information

The FAA also reviewed Airbus Helicopters Alert Service Bulletin No. EC225–71A019, Revision 1, dated February 28, 2019, which also specifies procedures for removing the fuel supply hose, visually inspecting the fuel supply hose for twisting, performing an endoscope inspection on the inside of the hose, and specifies procedures required to install a serviceable fuel supply hose.

Proposed AD Requirements in This SNPRM

For helicopters with a certain part-numbered LH fuel supply hose installed, this proposed AD would require visually inspecting the LH fuel supply hose for twisting, and if needed, borescope inspecting the entire length of the inside of the fuel supply hose for twisting. Depending on the inspection results, this proposed AD would require reinstalling or removing the fuel supply hose from service. Additionally, this proposed AD would prohibit installing a certain part-numbered LH fuel supply hose on any helicopter unless that LH fuel supply hose is installed by following certain procedures described in the manufacturer's service bulletin. Finally, this proposed AD would require modifying your helicopter by removing from service LH fuel supply hose P/N 704A34416087 and installing the improved LH fuel supply hose P/N 704A34416101. This modification would provide terminating action for the proposed inspection requirements.

Differences Between This SNPRM and EASA AD 2021–0156

EASA AD 2021–0156 requires compliance within 110 flight hours or 6 months, whichever occurs first after the effective date of EASA AD 2019–0092, while this proposed AD would require compliance within 110 hours time-in-service after the effective date of this AD. EASA AD 2021–0156 requires reporting information to Airbus Helicopters if the LH fuel supply hose is twisted on the inside, while this proposed AD would not. Additionally, EASA AD 2021–0156 is applicable to all serial-numbered EC225LP helicopters, whereas this proposed AD would apply to EC225LP helicopters with a certain LH fuel supply hose installed.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 28 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Visually inspecting the LH fuel supply hose for twisting would take about 1 work-hour for an estimated cost of $85 per helicopter and $2,380 for the U.S. fleet.

Replacing a LH fuel supply hose would take about 8 work-hours and parts would cost about $2,363 for an estimated replacement cost of $3043 per replacement.

Borescope inspecting the LH fuel supply hose would take about 8 work-hours for an estimated cost of $680 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2020–0904; Project Identifier 2019–SW–041–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by October 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC225LP helicopters, certificated in any category, with a left-hand side (LH) engine fuel supply (fuel supply) hose part number (P/N) 704A34416087 installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2820, Aircraft Fuel Distribution System.

(e) Unsafe Condition

This AD was prompted by a report of an incorrect installation of the LH fuel supply hose P/N 704A34416087. The FAA is issuing this AD to prevent restricted fuel flow to the LH engine. The unsafe condition, if not addressed, could result in a decrease of the LH engine power when accelerating to a power setting corresponding to One Engine Inoperative power and subsequent reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 110 hours time-in-service (TIS) after the effective date of this AD, visually inspect the LH fuel supply hose for twisting as shown in Figures 1 and 2 of Airbus Helicopters Alert Service Bulletin No. EC225–71A019, Revision 2, dated May 21, 2021 (ASB EC225–71A019 Rev 2). If the LH fuel supply hose has any twisting, before further flight, borescope inspect the entire length of the inside of the fuel supply hose for twisting as shown in Figures 3 through 5 of ASB EC225–71A019 Rev 2.

(i) If the inside of the LH fuel supply hose has any twisting, before further flight, remove the LH fuel supply hose from service and install an airworthy LH fuel supply hose by following the Accomplishment Instructions, paragraph 3.B.3.b, of ASB EC225–71A019 Rev 2.

(ii) If the LH fuel supply hose does not have any twisting, reinstall the LH fuel supply hose by following the Accomplishment Instructions, paragraph 3.B.3.b, of ASB EC225–71A019 Rev 2.

(2) Within 1,200 hours TIS after the effective date of this AD, modify your helicopter by removing from service LH fuel supply hose P/N 704A34416087 and installing the improved LH fuel supply hose P/N 704A34416101 in accordance with the Accomplishment Instructions, paragraph 3.B.3.b, of ASB EC225–71A019 Rev 2.

(3) As of the effective date of this AD, do not install an LH fuel supply hose P/N 704A34416087 on any helicopter unless it is installed by following the Accomplishment Instructions, paragraph 3.B.3.b, of ASB EC225–71A019 Rev 2.

(h) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using Airbus Helicopters Alert Service Bulletin No. EC225–71A019, Revision 1, dated February 28, 2019.

(i) Special Flight Permits

Special flight permits may be permitted provided that there are no passengers on board.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

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

(2) For service information identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2021–0156, dated July 2, 2021. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–0904.

Issued on August 26, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–19036 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0732; Airspace Docket No. 21–AGL–29]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Galesburg, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Monmouth Municipal Airport, Monmouth, IL, contained within the Galesburg, IL, airspace legal description. The FAA is proposing this action as the result of airspace reviews caused by the decommissioning of the Galesburg very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

DATES: Comments must be received on or before October 22, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0732/Airspace Docket No. 21–AGL–29 at the beginning of your comments. You may also submit comments through the

internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 the Class E airspace extending upward from 700 feet above the surface at Monmouth Municipal Airport, Monmouth, IL, to support instrument flight rule operations at this airport.

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0732/Airspace Docket No. 21–AGL–29.'' 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 notice may be changed in light of the comments received. 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 the 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 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.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.3-mile (decreased from a 6.8-mile) radius of Monmouth Municipal Airport, Monmouth, IL.

This action is due to an airspace review caused by the decommissioning of the Galesburg VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace 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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Accordingly, pursuant to the authority delegated to me, 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 14 CFR part 71 continues to read as follows:

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

71.1 [Amended]

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

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

* * * * *

AGL IL E5 Galesburg, IL [Amended]

Galesburg Municipal Airport, IL
(Lat. 40°56′17″ N, long. 90°25′52″ W)
Monmouth Municipal Airport, IL
(Lat. 40°55′47″ N, long. 90°37′52″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Galesburg Municipal Airport, and within a 6.3-mile radius of the Monmouth Municipal Airport.

Issued in Fort Worth, Texas, on August 31, 2021.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2021–19107 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0678]

RIN 1625–AA08

Special Local Regulation; Tennessee River, Chattanooga, TN

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation for navigable waters of the Tennessee River from mile 452.0 to 454.5. This action is necessary to provide for the safety of life on these navigable waters near Chattanooga, TN, during a swimming event on October 9, 2021. This proposed rulemaking would prohibit persons and vessels from being in the special local regulation 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 September 22, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0678 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 Petty Officer Third Class Joshua Rehl, Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email *Joshua.M.Rehl@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

On October 9, 2021, the Chattanooga Open Water Swimmers notified the Coast Guard that it will be conducting the Swim the Suck from 9:30 a.m. to 11:30 a.m. on October 9, 2021. The swimmers will start at Suck Creek Boat Ramp and cross the river immediately and continue to swim downriver for 10 miles ending at TN River Gardens in Chattanooga, TN. The COTP has determined that potential hazards associated with the Swim the Suck swimming event will be a safety concern, and a temporary special local regulation is needed. This proposed rule is needed to the swimmerst in the navigable waters within the temporary special local regulation during the Swim the Suck event.

The purpose of this proposed rulemaking is to ensure the safety of life and the navigable waters within a 2.5 mile span of the river where the swimmers will be during the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

The Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a 15-day prior notice and opportunity to comment pursuant to section (b)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 553). This provision authorizes an agency to publish a rule in less than 30 days before its effective date for ''good cause found and published with the rule.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for publishing this NPRM with a 15-day comment period because it is impracticable to provide a 30-day comment period because we must establish this safety zone by October 9, 2021. A 15-day comment period would allow the Coast Guard to provide for public notice and comment, but also update the proposed regulation soon enough that the length of the notice and comment period does not compromise safety.

III. Discussion of Proposed Rule

The COTP is proposing to establish a special local regulation from 9:30 a.m. to 11:30 a.m. on October 9, 2021. The special local regulation would cover all navigable waters within 2.5 miles of the Swim the Suck event in the Tennessee River located between miles 452 and 454.5 in Chattanooga, TN. The duration of the zone is intended to ensure the safety of the swimmers in these navigable waters before, during, and after the scheduled 9:30 to 11:30 a.m. Swim the Suck event. No vessel or person would be permitted to enter the special local regulation 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, duration, and time-of-day of the safety zone. The proposed safety zone would last for 2 hours, after which time vessels will be

able to transit freely. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation lasting 2 hours that would prohibit entry between miles 452 to 454.5 of the Tennessee River. Normally such actions are categorically excluded from further review under paragraph L[61] and L[63a] 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–2021–0678 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 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T08–0678 to read as follows:

§ 100.T08–0678 Chattanooga, TN. Tennessee River, mile marker 452 to mile marker 454.5.

(a) *Regulated area.* The regulations in this section apply to the following area: All waters of the Tennessee River between mile 452 and 454.5 in the Tennessee River, extending from bank to bank within the river.

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

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

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(c) *Enforcement period.* This section will be enforced from 9:30 a.m. to 11:30 a.m. on October 9, 2021.

Dated: August 24, 2021.

A.M. Beach,

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

[FR Doc. 2021–19103 Filed 9–3–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0679]

RIN 1625–AA08

Special Local Regulation; Tennessee River, Mile Markers 462.7–465.5, Chattanooga, TN

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation for navigable waters on the Tennessee River from mile 462.7 to mile 465.5. The special local regulation is needed to protect life and the marine environment from potential hazards created by the Chattajack rowing event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 22, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0679 using the Federal eRulemaking Portal at *https://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer First Class Nicholas Jones and Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email *Nicholas.J.Jones@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Coast Guard was notified by Chattajack LLC of a proposed rowing event on the Tennessee River. The event would take place on October 23, 2021 from 7 a.m. to 4 p.m. However, the requested river closure was for the first 2 hours of the race, from 7 a.m. to 9 a.m.. The COTP has determined that there is a need to protect the participants of the rowing event due to the high concentration of rowers at the start of the event between MM 462.7 and MM 465.5 on the Tennessee River. The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that there is a need to provide additional safety measures for the participants in the Chattajack rowing event, and a temporary special local regulation is needed. This propsed rule is needed to protect life and the marine environment in the navigable waters within the temporary special local regulation during the first two hours of the event.

The purpose of this proposed rulemaking is to ensure the safety of the participants in the Chattjack event within a 2.8 mile span of the river where there will be a high concentration of rowers.. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest as the temporary special local regulation has to be established by October 23, 2021 to provide for the safety of life on these navigable waters

III. Discussion of Proposed Rule

This proposed rule would establish a special local regulation from 7 a.m. until 9 a.m. on October 23, 2021. The proposed temporary special local regulation would cover all navigable waters of the Tennessee River between miles 462.7 to 465.5. The duration of the regulated area is intended to protect the rowers in the Chattajack event during the period where there will be a high concentration of rowers. No vessel or person would be permitted to enter the special local regulation without obtaining permission from the COTP or a designated representative. Persons or vessels seeking to enter the special local regulation must request permission from the COTP or a designated representative on VHF–FM radio channel 16 or phone at 1–800–253–7465. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this special local regulation through

Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. The proppsed special local regulation would last for only two hours, after which time vessels will be able to transit freely. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the area, and the rule would allow vessels to seek permission to enter the area.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the special local regulation 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 special local regulation lasting 30 minutes that would prohibit entry within 2.8 miles of the Tennessee River. Normally such actions are categorically excluded from further review under paragraph L[61] and L[63a] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov*, call or email the person in the **FOR FURTHER INFORMATION**

CONTACT section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T08–0679 to read as follows:

§ 100.T08–0679 Tennessee River MM 462.7 to 465.5

(a) *Regulated area.* The regulations in this section apply to the following area: Tennessee River MM 462.7 to 465.5 extending the entire width of the river.

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

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

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and local notice to mariners.

(c) *Enforcement period.* This section will be enforced from 7 a.m. to 9 a.m. on October 23, 2021.

Dated: August 27, 2021.

A.M. Beach,

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

[FR Doc. 2021–19104 Filed 9–3–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2021–0053; FF09E21000 FXES11110900000 212]

RIN 1018–BF38

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Miami Tiger Beetle (Cicindelidia Floridana)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat for the Miami tiger beetle (*Cicindelidia floridana*) under the Endangered Species Act (Act). In total, approximately 1,977 acres (ac) (800 hectares (ha)) in Miami-Dade County, Florida, fall within the boundaries of the proposed critical habitat designation. If we finalize this rule as proposed, it would extend the Act's protections to this species' critical habitat. We also announce the availability of a draft economic analysis of the proposed designation of critical habitat for the Miami tiger beetle.

DATES: We will accept comments received or postmarked on or before November 8, 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 a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 22, 2021.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2021–0053, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search 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–R4–ES–2021–0053, U.S. Fish and Wildlife Service, MS: PRB/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 Information Requested, below, for more information).

Availability of supporting materials: For the critical habitat designation, the coordinates or plot points or both from which the maps are generated are included in the decision file for this rulemaking and are available at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2021–0053 and at *www.fws.gov/verobeach/.* Any supporting information that we developed for this critical habitat designation will be available on the Service's website or at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Roxanna Hinzman, Field Supervisor, U.S. Fish and Wildlife Service, Florida Ecological Services Field Office, 1339 20th Street, Vero Beach, FL 32960; telephone 772–562–3909. Persons who use a telecommunications device for the deaf (TDD) may 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, any species that is determined to be a threatened or endangered species requires critical habitat to be designated, to the maximum extent prudent and determinable. Designations and revisions of critical habitat can only be completed by issuing a rule.

What this document does. We propose the designation of critical habitat for the Miami tiger beetle, which is listed as endangered.

The basis for our action. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Draft economic analysis of the proposed designation of critical habitat. In order to consider the economic impacts of critical habitat for the Miami tiger beetle, we compiled information pertaining to the potential incremental economic impacts for this proposed critical habitat designation. The information we used in determining the economic impacts of the proposed critical habitat is summarized in this proposed rule (see *Consideration of Economic Impacts*) and is available at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2021–0053 and at the Florida Ecological Services Field Office at *http://ww.fws.gov/verobeach/* (see **FOR FURTHER INFORMATION CONTACT**). We are soliciting public comments on the economic information provided and any other potential economic impact of the proposed designation. We will continue to reevaluate the potential economic impacts between this proposal and our final designation.

Public comment. We are seeking comments and soliciting information from the public on our proposed designation to make sure we consider the best scientific and commercial information available in developing our final designation. Because we will consider all comments and information we receive during the comment period, our final determination may differ from this proposal. We will respond to and address comments received in our final rule.

We will seek peer review. We are seeking comments from independent specialists to ensure that our proposal is based on scientifically sound data and analyses. We have invited these peer reviewers to comment on our specific assumptions and conclusions in this critical habitat proposal.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including information to inform the following factors that the regulations identify as reasons why designation of critical habitat may be not prudent:

(a) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;

(b) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;

(c) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States; or

(d) No areas meet the definition of critical habitat.

(2) Specific information on:

(a) The amount and distribution of Miami tiger beetle habitat;

(b) What areas, that were occupied at the time of listing and that contain the physical or biological features essential to the conservation of the species, should be included in the designation and why;

(c) Any additional areas occurring within the range of the species, in Miami-Dade County, that should be included in the designation because they (i) are occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations, or (ii) are unoccupied at the time of listing and are essential for the conservation of the species;

(d) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(e) What areas not occupied at the time of listing are essential for the conservation of the species. We particularly seek comments:

(i) Regarding whether occupied areas are adequate for the conservation of the species;

(ii) Providing specific information regarding whether or not unoccupied areas would, with reasonable certainty, contribute to the conservation of the species and contain at least one physical or biological feature essential to the conservation of the species; and

(iii) Explaining whether or not unoccupied areas fall within the definition of ''habitat'' at 50 CFR 424.02 and why.

(iv) We have identified 14 units in this proposal that were unoccupied at the time of listing that we find are essential to the conservation of the Miami tiger beetle. Please provide specific comments and information on:

- Whether each of these units are essential to the conservation of the Miami tiger beetle and should be included in critical habitat,
- whether there are specific units that are not essential and should not be included in critical habitat and why, and
- whether there are any other specific areas not currently proposed that are essential to the conservation of the Miami tiger beetle that should be included in critical habitat.

(3) Any additional areas occurring within the range of the species, *i.e.,* South Florida, that should be included in the designation because they (a) are occupied at the time of listing and contain the physical and biological features that are essential to the conservation of the species and that may require special management considerations, or (b) are unoccupied at the time of listing and are essential for the conservation of the species.

(4) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(5) Information on the projected and reasonably likely impacts of climate change on Miami tiger beetle and proposed critical habitat.

(6) Information on the extent to which the description of probable economic impacts in the draft economic analysis is a reasonable estimate of the likely economic impacts; any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, in particular, any impacts on small entities or families; and the benefits of including or excluding areas that exhibit these impacts.

(7) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act. In particular for those for which you think we should exclude any additional areas, please provide credible information regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion.

(8) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a final critical habitat determination

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov.*

Because we will consider all comments and information we receive during the comment period, our final designation may differ from this proposal. Based on the new information we receive (and any comments on that new information), our final designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, and may exclude some areas if we find the benefits of exclusion outweigh the benefits of inclusion.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. For the immediate future, we will provide these public hearings virtually using webinars that will be announced on the Service's website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulation at 50 CFR 424.16(c)(3).

Previous Federal Actions

On December 22, 2015, we proposed to list the Miami tiger beetle as an endangered species under the Act (80 FR 79533) in the **Federal Register**. On October 5, 2016, we published our final determination in the **Federal Register** (81 FR 68985) and added the Miami tiger beetle as an endangered species to the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h). At the time of our proposal we determined that critical habitat was prudent, but not determinable because we lacked specific information on the impacts of our designation. In our final listing rule, we stated we were in the process of obtaining information on the impacts of the designation. All previous Federal actions are described in detail in the proposal to list the Miami tiger beetle as an endangered species under the Act (80 FR 79533, December 22, 2015). Additional information may be found in the final rule to list the Miami tiger beetle as an endangered species (81 FR 68985, October 5, 2016).

Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely, by vagrant individuals). Additionally, our regulations at 50 CFR 424.02 define the word ''habitat'' as follows: ''for the purposes of designating critical habitat only, habitat is the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species.''

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement ''reasonable and prudent alternatives'' to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied

by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features that occur in specific occupied areas, we focus on the specific features that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. The implementing regulations at 50 CFR 424.12(b)(2) further delineate unoccupied critical habitat by setting out three specific parameters: (1) When designating critical habitat, the Secretary will first evaluate areas occupied by the species; (2) the Secretary will consider unoccupied areas to be essential only where a critical habitat designation limited to geographical areas occupied by the species would be inadequate to ensure the conservation of the species; and (3) for an unoccupied area to be considered essential, the Secretary must determine that there is a reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

Section 4 of the Act requires that we designate critical habitat based on the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

As the regulatory definition of ''habitat'' reflects (50 CFR 424.02), habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations (50 CFR 424.12(a)(1)) state that the Secretary may, but is not required to, determine that a designation would not be prudent in the following circumstances:

(i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;

(ii) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;

(iii) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States;

(iv) No areas meet the definition of critical habitat; or

(v) The Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available.

As discussed in the final listing rule published on October 5, 2016 (81 FR 68985), there is currently imminent threat of take attributed to collection or vandalism identified under Factor B for this species. However, we have determined that the identification and mapping of critical habitat is not expected to increase any such threat because the location of the two extant populations of the Miami tiger beetle are currently known to the scientific community and public. Further, in our proposed listing determination for this species, we determined that the present or threatened destruction, modification, or curtailment of habitat or range is a threat, and that those threats in some way can be addressed by section 7(a)(2) consultation measures. Also, the species occurs wholly in the jurisdiction of the

United States, and we are able to identify areas that meet the definition of critical habitat. Therefore, because none of the circumstances enumerated in our regulations at 50 CFR 424.12(a)(1) have been met and because the Secretary has not identified other circumstances for which this designation of critical habitat would be not prudent, we have determined that the designation of critical habitat is prudent for the Miami tiger beetle.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection. The regulations at 50 CFR 424.02 define ''physical or biological features essential to the conservation of the species'' as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

We derive the specific physical or biological features essential for the Miami tiger beetle from studies of this species' habitat, ecology, and life history as described below. Additional information can be found in the final listing rule published in the **Federal Register** on October 5, 2016 (81 FR 68985).

Space for Individual and Population Growth and for Normal Behavior

The Miami tiger beetle is endemic to pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge in Miami-Dade County in South Florida. Descriptions of this habitat and its associated native plant species are provided in the proposed listing rule published on December 22, 2015 (80 FR 79533) (see Habitat section). Additional discussion may be found in the final listing rule published on October 5, 2016 (81 FR 68985). The Miami tiger beetle requires open or sparsely vegetated sandy areas within pine rockland habitat for thermoregulation (regulation of body temperature), foraging, reproduction, and larval development.

As a group, tiger beetles (Coleoptera: Cicindelidae) occupy ephemeral habitats where local extinction from habitat loss or degradation is common, so dispersal to establish new populations in distant habitat patches is a likely life history strategy for most species (Knisley 2015a, p. 10). Therefore, individuals of the species must be sufficiently abundant and occur within an appropriate dispersal distance to adjacent suitable habitat so they can repopulate areas following local extirpations. Barriers to dispersal can disrupt otherwise normal metapopulation dynamics and contribute to imperilment.

Development and agriculture have reduced pine rockland habitat by 90 percent in mainland south Florida. Pine rockland habitat decreased from approximately 183,000 ac (74,000 ha) in the early 1900s to only 3,707 ac (1,500 ha) in 2014 (Possley et al. 2014, p. 154). The largest remaining intact pine rockland (approximately 5,716 ac (2,313 ha)) is Long Pine Key in Everglades National Park (Everglades). Outside of the Everglades, less than 2 percent of pine rocklands on the Miami Rock Ridge remain, and much of what is left are small remnants scattered throughout the Miami metropolitan area, isolated from other natural areas (Herndon 1998, p. 1; URS Corporation Southern 2007, p. 1).

The extreme rarity of high-quality pine rockland habitats supporting the Miami tiger beetle elevates the importance of remnant sites that still retain some pine rockland species. We consider pine rockland habitat to be the primary habitat for the Miami tiger beetle.

We do not have specific information regarding a minimum viable population size for the Miami tiger beetle or the amount of habitat needed to sustain a viable population. Recovery plans for *Cicindela puritana* (Puritan tiger beetle) and *C. dorsalis dorsalis* (Northeastern beach tiger beetle) consider a minimum viable population size to be at least 500–1,000 adults (Hill and Knisley 1993, p. 23; Hill and Knisley 1994, p. 31). A minimum viable population size of 500 adults was estimated for the Salt Creek tiger beetle *(Cicindela nevadica lincolniana)* (79 FR 26014, May 6, 2014). The best available data regarding the minimum area and number of individuals necessary for a viable population for the Miami tiger beetle come from information regarding the closely related Highlands tiger beetle *(Cicindelidia highlandensis);* the information describes estimates of a minimum of 100 adult Highlands tiger beetles in an area of at least 2.5–5.0 ac (1.0–2.0 ha) (Knisley and Hill 2013, p. 42). This estimate is based on observations of population stability for the Highlands tiger beetle, as well as survey data and literature from other tiger beetle species (Knisley and Hill 2013, p. 42).

The Miami tiger beetle requires open or sparsely vegetated sandy areas within pine rockland habitat to meet their life-history requirements, as well as adjacent undeveloped habitat to facilitate dispersal and protect core habitat. Therefore, based on the information in the previous paragraph, we identify pine rockland habitats of at least 2.5–5.0 ac (1.0–2.0 ha) in size as a necessary physical feature for this species.

Food, Water, Air, Light, Minerals, or Other Nutritional or Physiological Requirements

Food—Miami tiger beetles are active diurnal predators that use their keen vision to detect movement of small

arthropods and run quickly to capture prey with their well-developed jaws (mandibles). Although we do not have specific information on Miami tiger beetle diets, observations by various entomologists indicate small arthropods, especially ants, are the most common prey for tiger beetles. Over 30 kinds of insects from many families have been identified as prey for tiger beetles, and scavenging is also common in some species (Knisley and Schultz 1997, pp. 39, 103; Willis 1967, pp. 196–197). Ants were the most common prey of tiger beetles in Florida (Choate 1996, p. 2). Miami tiger beetle larvae are sedentary sit-and-wait predators that capture small prey passing over or near (within a few inches (in) (centimeters (cm)) their burrows on the soil surface. Larvae prey on small arthropods, similar to adults. Alterations or reductions in the prey base through pesticide exposure could affect foraging in of Miami tiger beetles.

Water—The Miami tiger beetle requires inland sandy pine rockland habitat that has moderately drained to well-drained terrain. Rainfall varies from an annual average over 64 in (163 cm) in the northwest portion of Miami-Dade County to between 48 and 56 in (122 and 143 cm), respectively, in the rest of the county (Service 1999, p. 3–167). The water table in the Miami Rock Ridge outside of the Everglades seldom reaches the surface (Service 1999, p. 3–167). The existence of larvae in shallow permanent burrows throughout their development makes them susceptible to changes in groundwater levels. The effects of climate change and sea level rise, which predict higher intensity storms, more erratic rainfall (*i.e.,* alterations to the amount and seasonality and rainfall) and especially changes in water levels due to storm surge and salinization of the water table, could result in vegetation shifts that may impact the species. Based on this, we identify water (particularly appropriate hydrological regimes) as a necessary feature for the Miami tiger beetle to carry out its life processes.

Light—The Miami tiger beetle requires open areas of pine rockland habitat with ample sunlight for behavioral thermoregulation, so they can successfully perform their normal activities, such as foraging, mating, and oviposition. Vegetation encroachment and lack of adequate pine rockland management threatens the amount of light necessary for the Miami tiger beetle. We identify light as a necessary feature for the Miami tiger beetle to carry out its life processes.

Soil—The Miami tiger beetle is endemic to pine rockland habitat within the Miami Rock Ridge. The Miami Rock Ridge has oolitic limestone (composed of spherical grains packed tightly) at or very near the surface and solution holes occasionally from where the surface limestone is dissolved by organic acids. There is typically very little soil development, consisting primarily of accumulations of low-nutrient sand, marl, clayey loam, and organic debris found in solution holes, depressions, and crevices on the limestone surface (Florida Natural Areas Inventory (FNAI) 2010, p. 62). However, sandy pockets can be found at the northern end of the Miami Rock Ridge (Northern Biscayne Pinelands), beginning from approximately North Miami Beach and extending south to approximately SW 216th Street (Service 1999, p. 3–162).

These sandy substrates provide the appropriate nutrients, moisture regime, and soil chemistry necessary for Miami tiger beetle reproduction. Burrows in the sand are used for eggs and developing larvae. In addition these sandy areas support a community of insect prey that allows the species to persist. Soil compaction could impact the species and its habitat. Therefore, we identify substrates derived from calcareous limestone that provide habitat for the Miami tiger beetle to carry out its life processes to be a necessary feature for the Miami tiger beetle.

Summary—Based on the best available information, we conclude that the Miami tiger beetle requires open sandy areas in pine rockland habitat with little to no vegetation for thermoregulation, foraging, egg-laying, and larval development. We identify these characteristics as necessary physical and biological features for the species.

Cover or Shelter

The life cycle of the Miami tiger beetle occurs entirely within pine rocklands. Females place a single egg into a shallow burrow dug into the soil. The egg hatches, apparently after sufficient soil moisture, and the first instar larva digs a burrow at the site of oviposition (egg-laying). Larvae are closely associated with their burrows, which provide cover and shelter for anywhere from 2 months to 1 year or more, depending on climate, food availability, and the number of cohorts per year (Knisley 2015b, p. 28). Larvae remain in their burrows until they are adults, only extending beyond the burrow entrance to subdue arthropod prey. The adult flight period for the Miami tiger beetle lasts approximately 5 months (mid-May to mid-October) (Knisley 2015b, p. 27). Both larvae and adults are visual predators and require open habitat to locate prey. Open areas with dense vegetation no longer provide suitable habitat. However, vegetation adjacent to open sandy areas may also be important, as it may provide thermal refugia for the beetles to escape from high ground temperatures (Knisley 2014, p. 1). Miami tiger beetle habitat can also be impacted from trampling, which causes soil compaction and can lead to lethal impacts to adults or larvae or impacts to their habitat.

Based on the best available information, we conclude that the Miami tiger beetle requires pine rocklands, specifically those containing open or sparsely vegetated sandy patches.

Sites for Breeding, Reproduction, or Rearing (or Development) of Offspring

Miami tiger beetle reproduction and larval development occurs entirely within pine rocklands. Both larvae and adults occupy the same habitats—open sandy patches interspersed with vegetation. Vegetation encroachment into the open sandy habitat patches, barriers to dispersal, trampling of the surface soil, reductions in prey base, and collection of beetles are factors that may reduce the reproductive potential of the species. Therefore, based on the information above, we identify pine rockland habitats that can support the species growth, distribution, and population expansion as required for this species.

Habitats Representative of the Historical, Geographical, and Ecological Distributions of the Species

The Miami tiger beetle continues to occur in pine rockland habitats that are protected from incompatible human-use, but these areas are only partially representative of the species' historical, geographical, and ecological distribution because its range within these habitats has been reduced. The species is still found in pine rockland habitats, with open sandy areas of at least 2.5–5.0 ac (1.0–2.0 ha) in size. Representative pine rocklands are located on Federal, local, and private conservation lands that implement conservation measures benefitting the beetle.

Pine rockland is dependent on some degree of disturbance, most importantly from natural or prescribed fires (Loope and Dunevitz 1981, p. 5; Snyder *et al.* 2005, p. 1; Bradley and Saha 2009, p. 4; Saha *et al.* 2011, pp. 169–184; FNAI 2010, p. 62). These fires are a vital component in maintaining native vegetation and creating or maintaining open or sparsely vegetated sandy areas,

within this ecosystem. Fires have historically burned in intervals of approximately 3 to 7 years (FNAI 2010, p. 3) typically started by lightning strikes during the frequent summer thunderstorms (FNAI 2010, p. 3). Without fire, successional climax from tropical pineland to rockland hammock is rapid, and the open areas required by the species are encroached with vegetation and leaf litter. In addition, displacement of native species by invasive, nonnative plants often occurs.

Mechanical control or thinning of pine rockland vegetation may be another means of maintaining pine rockland habitat, but it cannot entirely replace fire because it does not have the same benefits related to removal of leaf litter and nutrient cycling. In addition, it may lead to trampling of adult or larval tiger beetles. Natural and prescribed fire remains the primary and ecologically preferred method for maintaining pine rockland habitat.

Hurricanes and other significant weather events can contribute to openings in the pine rockland habitat (FNAI 2010, p. 62) needed by the Miami tiger beetle; however, they can also be a source of significant and direct risk to the species. Given the few, isolated populations of the Miami tiger beetle within a location prone to storm influences (located approximately 5 miles (8 kilometers) from the coast), the species is at substantial risk from stochastic environmental events such as hurricanes, storm surges, and other extreme weather that can affect recruitment, population growth, and other population parameters. The substantial reduction in the historical range of the beetle in the past 80 years, and the few remaining populations, make the species less resilient to impacts than when its distribution was more widespread.

Therefore, based on the information above, we identify pine rockland management through natural or prescribed fire, or other disturbance regimes that maintain pine rockland habitat, such as weather events, to be necessary for this species.

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of Miami tiger beetle from studies of the species' habitat, ecology, and life history. We have determined that the following physical or biological features are essential to the conservation of Miami tiger beetle:

1. South Florida pine rockland habitat of at least 2.5 ac (1 ha) in size that is maintained by natural or prescribed fire or other disturbance regimes; and

2. Open sandy areas within or directly adjacent to the south Florida pine rockland habitat with little to no vegetation that allows for or facilitates normal behavior and growth such as thermoregulation, foraging, egg-laying, larval development, and habitat connectivity, which promotes the overall distribution and expansion of the species.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: Vegetation encroachment of pine rockland habitat; loss of pine rockland habitat due to development that further fragments or degrades the few remaining pine rockland parcels in Miami-Dade County; collection of the species; climate change and sea level rise; pesticide exposure; and demographic and environmental stochasticity. These threats are exacerbated by having only two small populations in a restricted geographic range, making this species particularly susceptible to extinction in the foreseeable future. For a detailed discussion of threats, see Summary of Factors Affecting the Species in our proposed listing rule published in the **Federal Register** on December 22, 2015 (80 FR 79533). Additional information may be found in the final listing rule published on October 5, 2016 (81 FR 68985).

Some of these threats can be addressed by special management considerations or protection while others (*e.g.,* sea level rise, hurricanes, storm surge) are beyond the control of landowners and managers. However, even when landowners or land managers may not be able to control all the threats directly, they may be able to address the impacts of those threats.

Destruction of rock pinelands for economic development has reduced pine rockland habitat on the Miami Rock Ridge outside of the Everglades by over 98 percent, and remaining habitat in this area is highly fragmented. The Miami tiger beetle occurs on a mix of privately and publicly owned lands, only some of which are managed for conservation. Any occurrences of the beetle on private land or non-conservation public land are vulnerable to the effects of habitat degradation if natural disturbance regimes are disrupted, because the species requires active management to keep the habitat functional in the absence of such disturbances. Prolonged lack of fire in pine rockland habitat leads to vegetation encroachment into the open or sparsely vegetated sandy areas that are required by the beetle. Further development and degradation of pine rocklands increases fragmentation and decreases the conservation value of the remaining functioning pine rockland habitat. In addition, pine rocklands are expected to be further degraded and fragmented due to anticipated sea level rise, which would fully or partially inundate some pine rocklands within the Miami Rock Ridge and cause increases in the salinity of the water table and soils resulting in vegetation shifts. Also, portions of the Richmond Pine Rocklands are proposed for commercial development and some existing pine rockland areas are projected to be developed for housing as the human population grows and adjusts to changing sea levels.

Pesticides used in and around pine rockland habitat are a potential threat to the Miami tiger beetle through direct exposure to adults and larvae, secondary exposure from insect prey, overall reduction in availability of adult and larval prey, thus limiting foraging opportunities, or any combination of these factors. Based on Miami-Dade Mosquito Control's implementation of spray buffers around pine rocklands occupied by the Miami tiger beetle, mosquito control pesticides are not considered a current threat for the species. However, if these buffers were to change or Miami tiger beetles were found in habitat without restrictions of pesticide applications, then the threat of exposure would need to be reevaluated.

The features essential to the conservation of the Miami tiger beetle (*i.e.,* open or sparsely vegetated areas of pine rockland habitat that are at least 2.5–5.0 ac (1.0–2.0 ha) in size) may require special management considerations or protection to reduce threats. Actions that could ameliorate threats include, but are not limited to:

(1) Restoration and management of existing and potential Miami tiger beetle habitats throughout the Miami Rock Ridge using prescribed fire and control of invasive, nonnative plants;

(2) Protection of habitat adjacent to existing and new occurrences of the species to provide dispersal corridors, support the prey base, protect core

habitat, and allow for appropriate habitat management;

(3) Use of pesticide spray buffers to prevent potential exposure to the species and probable limitation of foraging opportunities; and

(4) Establishment of additional populations within the Miami Rock Ridge through captive rearing and translocation of laboratory-reared individuals from wild populations.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are proposing to designate critical habitat in areas within the geographical area occupied by the species at the time of listing in 2016. We also are proposing to designate specific areas outside the geographical area occupied by the species at the time of listing because we have determined that a designation limited to occupied areas would be inadequate to ensure the conservation of the species. Although we do not have definitive information that these areas were historically or are currently occupied by the Miami tiger beetle, they are within the historical range of the species, contain remnant south Florida pine rockland habitat and the essential physical or biological features, and have been determined to be essential for the conservation of the species, as further discussed below. We have determined that it is reasonably certain that the unoccupied areas will contribute to the conservation of the species and contain one or more of the physical or biological features that are essential to the conservation of the species. We have also determined that the unoccupied areas fall within the regulatory definition of ''habitat'' at 50 CFR 424.02 since they have the abiotic and biotic features that currently or periodically contain the resources and conditions necessary to support one or more life processes of the Miami tiger beetle.

The historical range of the Miami tiger beetle is limited to Miami-Dade County, Florida, specifically within the Northern Biscayne Pinelands of the Miami Rock Ridge. Over 98 percent of the Miami Rock Ridge pine rocklands outside of the Everglades has been lost to development, reducing the current range of the Miami tiger beetle to the southern portion of the Northern Biscayne Pinelands, in the Richmond Pine Rocklands and Nixon Smiley Pineland Preserve.

We anticipate that recovery will require not only continued protection of the remaining extant populations and remnant pine rockland habitat but also establishment of populations in additional areas of Miami-Dade County to ensure there are adequate numbers of beetles and stable populations occurring over the entire geographic range of the Miami tiger beetle. This will help to reduce the chance that catastrophic events, such as storms, will simultaneously affect all known populations.

The two extant Miami tiger beetle populations are small and at risk of adverse effects from reduced genetic variation, an increased risk of inbreeding depression, and reduced reproductive output. In addition, the two populations are isolated from each other, decreasing the likelihood that they could be naturally reestablished if extirpation from one location would occur.

In selecting areas to propose for critical habitat designation, we used the conservation principles of the ''three R's'': Resiliency, redundancy, and representation (Shaffer and Stein 2000, entire) for conserving imperiled species. Resiliency is the ability to sustain populations through the natural range of favorable and unfavorable conditions. Redundancy ensures an adequate number of sites with resilient populations such that the species has the ability to withstand catastrophic events. Representation ensures adaptive capacity within a species and allows it to respond to environmental changes. This can be facilitated by conserving not just genetic diversity, but also the species' associated habitat type variation. Implementation of this methodology has been widely accepted as a reasonable conservation strategy (Tear *et al.* 2005, p. 841).

In order to ensure sufficient representation for the Miami tiger beetle, we described the physical and biological features (as discussed above) and identified areas of habitat that contain at least one or more of the features to provide for reintroduction and expansion of the Miami tiger beetle. Redundancy is currently low as only two populations remain, both on remnant pine rockland sites. Redundancy can be improved through the introduction of additional populations of the Miami tiger beetle at other pine rockland sites. However, throughout the species' range, the amount of suitable remaining pine rockland is limited (low resiliency), and much of the remaining habitat may be significantly altered due to the effects of climate change over the next century. Therefore, we reviewed available sites containing pine rockland habitat within the historical range of the species and evaluated each site for its potential conservation contribution based on quality of habitat, spatial arrangement relative to the two extant populations and each other, and existing protections and management of the habitat and sites to determine additional areas that are essential for the Miami tiger beetle's conservation.

Sources of Data To Identify Critical Habitat Boundaries

We have determined that the areas known to be occupied at the time of listing should be proposed for critical habitat designation. However, recognizing that occupied habitat alone is not adequate for the conservation of the Miami tiger beetle, we also used habitat and historical occurrence data to identify the historical range of the species and necessary habitat features to help us determine which unoccupied habitat areas are essential for the conservation of the species. To determine the general extent, location, and boundaries of critical habitat, the Service used Esri ArcGIS mapping software for mapping and calculating areas (Albers Conical Equal Area (Florida Geographic Data Library), North American Datum of 1983 (NAD 83) High Accuracy Reference Network (HARN)) along with the following spatial data layers:

(1) Historical and current records of Miami tiger beetle occurrences and distributions found in publications, reports, personal communications, and associated voucher specimens housed at museums and private collections (Knisley 2015b, entire);

(2) Geographic information system (GIS) data showing the location and extent of documented occurrences of pine rockland habitat (Cooperative Land Cover Version 3.3. FWC and FNAI, 2018);

(3) Aerial imagery (Esri ArcGIS online basemap World Imagery. South Florida Water Management District GIS Services, Earthstar Geographics, Miami-Dade County, Florida Department of Environmental Protection, Esri, HERE, Garmin, SafeGraph, Ministry of Economy, Trade, and Industry of Japan and the U.S. National Aeronautics and Space Administration, U.S. Geological Survey, Environmental Protection

Agency, National Park Service, U.S. Department of Agriculture (USDA). 2019.; and

(4) GIS data depicting soils and to determine the presence of physical or biological features (U.S. Department of Agriculture 2020).

When designating critical habitat, we consider future recovery efforts and conservation of the species. We have determined that all currently known occupied habitat should be proposed for critical habitat designation because any further degradation or loss of the extant populations or occupied habitat would increase the Miami tiger beetle's susceptibility to local extirpation and ultimately extinction. The species occurs in two populations, Richmond and Nixon Smiley, separated from each other by approximately 3.1 mi (5 km) of urban development.

We are also including pine rockland habitat within the Richmond Pine Rocklands directly adjacent to sites with documented occurrences in the Richmond population. Due to their proximity to documented occurrences, the continuity of habitat, and presence of all of the physical or biological features, we have included these acres as part of the occupied habitat complex for this unit in accordance with 50 CFR 424.12(d). Additionally, we have determined these areas are essential for the conservation of the species because they protect the occupied sites within the Richmond population, provide dispersal corridors for the Richmond population, provide potential habitat for population expansion, and support prey-base populations. These areas are important to ensure redundancy for the species, and they improve the species' viability.

Lastly, we are including other suitable or potentially suitable pine rockland fragments outside of the Richmond Pine Rocklands and Nixon Smiley Pineland Preserve that are located within the beetle's historical range along the Northern Biscayne Pinelands of the Miami Rock Ridge but are not known to be currently occupied by the species. With only two known occupied areas, we have determined that these areas are essential for the conservation of the species because they will enable the establishment of new populations in additional areas that more closely approximate its historical distribution. Establishment of new populations will help ensure that there are adequate numbers of beetles in multiple populations over a wide geographic area, so that catastrophic events, such as storms, would be less likely to simultaneously affect all known populations.

The best available data regarding the minimum area and number of individuals necessary for a viable population come from information regarding the Highlands tiger beetle; the information describes estimates of a minimum of 100 adult Highlands tiger beetles in an area of at least 2.5–5.0 ac (1.0–2.0 ha) (Knisley and Hill 2013, p. 42). This estimate is based on observations of population stability for the Highlands tiger beetle, as well as survey data and literature from other tiger beetle species. From the remaining suitable or potentially suitable pine rockland fragments that were delineated for the Miami Rock Ridge, we excluded fragments below the 2.5-ac (1.0-ha) minimum area for a viable population. As such we evaluated the remaining unoccupied pine rockland habitat within and directly adjacent to the Northern Biscayne Pinelands of the Miami Rock Ridge to identify remnant pine rocklands with the highest quality habitat potential (*i.e.,* actively managed to support pine rocklands) and of sufficient size (patches at least 2.5 ac (1.0 ha)) to provide for the conservation of the Miami tiger beetle.

Areas Occupied at the Time of Listing

The two occupied critical habitat units were delineated around the only remaining extant Miami tiger beetle populations. They include the mapped extent of the populations that contain the physical or biological features essential to the conservation of the Miami tiger beetle. The two occupied units account for approximately 1,572 ac (636 ha) or 80 percent of the proposed designation of critical habitat for the Miami tiger beetle.

The delineation of proposed critical habitat included the area containing the extant populations based on occurrence records as well as all suitable habitat directly adjacent to those areas to allow for the continued protection and management of pine rockland habitat and to meet the needs of the species. Given the Miami tiger beetle's dependence on disturbance (*i.e.,* fires, storms, or mechanical treatments) to maintain optimal habitat, the amount and location of optimal habitat is temporally and spatially dynamic.

Areas Outside of the Geographical Range at the Time of Listing

The Miami tiger beetle has been extirpated from its type-locality (the place where the species was first discovered) in North Miami and is historically unknown from any other locations. In addition to including areas of the two extant populations (Richmond Pine Rocklands and Nixon Smiley Pineland Preserve) in proposed critical habitat, we are proposing 14 unoccupied critical habitat units that we have determined are essential to the conservation of the Miami tiger beetle. These areas contain pine rockland habitat within the historical range in the Northern Biscayne Pinelands on the Miami Rock Ridge and encompass approximately 405 ac (164 ha) or 20 percent of proposed critical habitat. As discussed above, we have determined that recovery requires additional populations be established in high quality pine rockland habitat that is protected and actively managed. Following a review of available sites containing pine rockland habitat within the historical range of the species, we evaluated each site for its potential conservation contribution based on quality of habitat, spatial arrangement relative to the two extant populations and each other, and existing protections and management. This review led to our determination that the most viable sites for introduction and conservation of the Miami tiger beetle are the 14 unoccupied sites identified in this proposal. As a result, we concluded that these 14 sites, which each contain all of the physical or biological features, have the highest probability for the conservation of the species and are essential to the conservation of the species. Thus, we are proposing them as critical habitat for the Miami tiger beetle.

We used the best available data to delineate existing pine rockland habitat units that are of sufficient size to support introduced populations of Miami tiger beetles and that are spatially configured to support metapopulation dynamics and to minimize adverse impacts from stochastic events. In identifying these areas, we considered the following refining criteria:

(1) Areas of sufficient size to support ecosystem processes for populations of the Miami tiger beetle. The best available information indicates that appropriately sized units should be at a minimum 2.5–5.0 ac (1.0–2.0 ha). Large contiguous parcels of habitat are more likely to be resilient to ecological processes of disturbance and are more likely to support a viable population of the Miami tiger beetle. The unoccupied areas selected ranged from 7 ac (3 ha) in size to 89 ac (36 ha).

(2) Areas to maintain connectivity of habitat to allow for population expansion. Isolation of habitat can prevent recolonization of the Miami tiger beetle and result in local extirpation and ultimately extinction. To ameliorate the dangers associated

with small populations or limited distributions, we have identified areas of critical habitat that will allow for the natural expansion of populations or support reintroductions.

(3) Restored pine rockland habitats may allow the Miami tiger beetle to disperse, recolonize, or expand from areas already occupied by the beetle. These restored areas generally are habitats within or adjacent to pine rocklands that have been affected by natural or anthropogenic factors but retain the essential physical or biological features that make them suitable for the beetle. These areas would help offset the anticipated loss and degradation of habitat occurring or expected from natural succession in the absence of disturbance, effects of climate change (such as sea level rise), or development.

Summary

In summary, for areas within the geographical area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) Evaluated habitat suitability of pine rockland habitat within the geographical area occupied at the time of listing (current), and selected those areas that contain all of the physical or biological features to support life-history functions essential for conservation of the species;

(2) Identified open sandy areas directly adjacent to occupied areas and with little to no vegetation that allow for or facilitate normal behavior and growth of the Miami tiger beetle, such as thermoregulation, foraging, egg-laying, larval development, and habitat connectivity, and which promote the overall distribution and expansion of the species.

The result was the inclusion of two units of critical habitat occupied by the Miami tiger beetle. Approximately 1,052 ac (426 ha) or 73 percent of the occupied units are existing critical habitat for other species.

For areas outside the geographical area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) Areas with pine rockland habitat that contained the essential physical or biological features and were of sufficient size to support introduced populations of Miami tiger beetles;

(2) Areas that are spatially configured to support metapopulation dynamics, minimize adverse impacts from stochastic events, and maintain representation of the historical range of the species.

The result was the inclusion of 14 units of critical habitat not occupied by the Miami tiger beetle at the time of listing. These 14 units encompass approximately 405 ac (164 ha) or 20 percent of proposed critical habitat. All 14 units are either publicly owned or privately owned conservation lands (*i.e.,* Porter Pineland Preserve, which is owned and managed by the Audubon Society).

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features necessary for the Miami tiger beetle. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the essential physical or biological features in the adjacent critical habitat.

We are proposing for designation as critical habitat those lands that we have determined are occupied at the time of listing and which contain the physical or biological features to support life-history processes essential to the conservation of the species, and lands outside of the geographical area occupied at the time of listing that we have determined are essential for the conservation of the Miami tiger beetle.

The critical habitat designation is defined by the maps, as modified by any accompanying regulatory text, presented at the end of this document in the rule portion. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make shapefiles of the critical habitat units available to the public on *http://www.regulations.gov* at Docket No. FWS–R4–ES–2021–0053, and on our internet site *www.fws.gov/verobeach/.*

Proposed Critical Habitat Designation

We are proposing 16 units as critical habitat for the Miami tiger beetle. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the Miami tiger beetle. Table 1 shows each critical habitat unit, its occupancy by the Miami tiger beetle at the time it was listed under the Act, and the extent of overlap with critical habitat previously designated for other federally listed species.

TABLE 1—PROPOSED CRITICAL HABITAT UNITS FOR THE MIAMI TIGER BEETLE, INCLUDING OCCUPANCY AND EXTENT OF OVERLAPPING CRITICAL HABITAT FOR OTHER FEDERALLY LISTED SPECIES

Unit No.	Unit name	Occupancy at time of listing	Total area (ac (ha))	Area of overlap with existing critical habitat (ac (ha))	Area exclusive to Miami tiger beetle (ac (ha))
1	Trinity Pineland	No	10 (4)	10 (4)	0 (0)
2	Rockdale Pineland	No	39 (16)	38 (15)	1 (<1)
3	Deering Estate South Edition	No	16 (6)	15 (6)	1 (<1)
4	Ned Glenn Nature Preserve	No	11 (5)	11 (5)	0 (0)
5	Deering Estate at Cutler	No	89 (36)	84 (34)	5 (2)
6	Silver Palm Groves Pineland	No	25 (10)	22 (9)	3 (1)
7	Quail Roost Pineland	No	48 (19)	47 (19)	1 (<1)
8	Eachus Pineland	No	17 (7)	17 (7)	0 (0)
9	Bill Sadowski Park	No	20 (8)	19 (8)	1 (<1)
10	Tamiami Pineland Complex Addition	No	21 (8)	19 (8)	2 (<1)
11	Pine Shore Pineland Preserve	No	8 (3)	8 (3)	0 (0)
12	Nixon Smiley Pineland Preserve	Yes	117 (47)	115 (47)	2 (<1)
13	Camp Matecumbe	No	81 (33)	77 (31)	3 (1)

TABLE 1—PROPOSED CRITICAL HABITAT UNITS FOR THE MIAMI TIGER BEETLE, INCLUDING OCCUPANCY AND EXTENT OF OVERLAPPING CRITICAL HABITAT FOR OTHER FEDERALLY LISTED SPECIES—Continued

Unit No.	Unit name	Occupancy at time of listing	Total area (ac (ha))	Area of overlap with existing critical habitat (ac (ha))	Area exclusive to Miami tiger beetle (ac (ha))
14	Richmond Pine Rocklands	Yes	1,455 (589)	937 (379)	518 (210)
15	Calderon Pineland	No	14 (6)	14 (6)	0 (0)
16	Porter Pineland Preserve	No	7 (3)	7 (3)	0 (0)
Total			1,977 (800)	1,440 (583)	537 (217)

Note: Area sizes may not sum due to rounding.

Approximately 73 percent (1,440 ac (583 ha)) of the critical habitat proposed for the Miami tiger beetle overlaps with currently designated Federal critical habitat for the Carter's small-flowered flax *(Linum carteri* var. *carteri),* the Florida brickell-bush *(Brickellia mosieri),* Bartram's scrub-hairstreak butterfly *(Strymon acis bartrami),* and the Florida leafwing butterfly *(Anaea troglodyta floridalis).* Further, approximately 4 percent (17 ac (7 ha)) of unoccupied critical habitat proposed is unique to the Miami tiger beetle, *i.e.,* does not overlap with existing designated Federal critical habitat. Please refer to Table 1 above for the area of overlap with other federally designated critical habitat and to specific unit descriptions below for which currently designated Federal critical habitat overlaps with each proposed critical habitat unit for the Miami tiger beetle.

Tables 2 and 3 below show the approximate land ownership for each critical habitat unit and the proportion of critical habitat for each landownership category, respectively. All but 1 ac (0.6 ha) of the area proposed for designation is either publicly or privately owned for conservation.

TABLE 2—PROPOSED CRITICAL HABITAT UNITS FOR THE MIAMI TIGER BEETLE BY LAND OWNERSHIP

Critical habitat unit	Area (ac (ha))	Land ownership			
		Federal	State	County	Private
1—Trinity Pineland	10 (4)		10 (4)		
2—Rockdale Pineland	39 (16)		38 (15)	1 (<1)	
3—Deering Estate South Edition	16 (6)		16 (6)		
4—Ned Glenn Nature Preserve	11 (5)			11 (5)	
5—Deering Estate at Cutler	89 (36)			89 (36)	
6—Silver Palm Groves Pineland	25 (10)		20 (8)	5 (2)	
7—Quail Roost Pineland	48 (19)		48 (19)		
8—Eachus Pineland	17 (7)			17 (7)	
9—Bill Sadowski Park	20 (8)			20 (8)	
10—Tamiami Pineland Complex Addition	21 (8)		21 (8)		
11—Pine Shore Pineland Preserve	8 (3)			8 (3)	
12—Nixon Smiley Pineland Preserve	117 (47)			117 (47)	
13—Camp Matecumbe	81 (33)		76 (31)	5 (2)	
14—Richmond Pine Rocklands	1,455 (589)	488 (198)		844 (341)	123 (50)
15—Calderon Pineland	14 (6)			14 (6)	
16—Porter Pineland Preserve	7 (3)				7 (3)
Total	1,977 (800)	488 (198)	229 (93)	1,130 (457)	131 (53)

Note: Area sizes may not sum due to rounding.

TABLE 3—PROPORTIONMENT OF LAND OWNERSHIP FOR PROPOSED CRITICAL HABITAT FOR THE MIAMI TIGER BEETLE

Land ownership	Area (ac (ha))	Percent ownership
Federal	488 (197)	25
State	229 (93)	12
County	1,130 (457)	57
Private	131 (53)	7
Total	1,977 (800)	

Note: Area sizes may not sum due to rounding.

In addition, over half of the proposed critical habitat for the Miami tiger beetle (1,219 ac (493 ha) or 62 percent) is under a Miami-Dade County Natural Forest Communities (NFC) designation. Miami-Dade County's NFC designation enacts regulations on habitat alterations to minimize damage to and protect environmentally sensitive forest lands,

including pine rocklands. NFC regulations are designed to prevent clearing or destruction of native vegetation within preserved areas. Please see the unit descriptions below for the specific amount of each unit that is enrolled in the NFC program.

We present brief descriptions of each proposed critical habitat units and the justification for why each meets the definition of critical habitat for the Miami tiger beetle, below.

Unit 1: Trinity Pineland

Unit 1 consists of approximately 10 ac (4 ha) of State-owned land in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential for the conservation of the species and is protected and actively managed to maintain a healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned or managed by Miami-Dade County, including this unit. These actions help improve habitat that could support the Miami tiger beetle.

The entirety of Unit 1 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 8 ac (3 ha) or 80 percent of Unit 1 is enrolled in the NFC program.

Unit 2: Rockdale Pineland

Unit 2 consists of approximately 39 ac (16 ha) of State (38 ac (15 ha)) and county (1 ac (<1 ha)) owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remnant pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species identified for the Miami tiger beetle and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

All but 1 ac (<1 ha) of Unit 2 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 28 ac (11 ha) or 72 percent of Unit 2 are enrolled in the NFC program.

Unit 3: Deering Estate South Edition

Unit 3 consists of approximately 16 ac (6 ha) of State-owned land in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential for the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned or managed by Miami-Dade County, including this unit. The actions help improve habitat that could support the Miami tiger beetle.

All but 1 ac (<1 ha) of Unit 3 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 15 ac (6 ha) or 94 percent of Unit 3 is enrolled in the NFC program.

Unit 4: Ned Glenn Nature Preserve

Unit 4 consists of approximately 11 ac (5 ha) of county-owned land in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in

Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

The entirety of Unit 4 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 11 ac (4 ha) or 100 percent of Unit 4 is enrolled in the NFC program.

Unit 5: Deering Estate at Cutler

Unit 5 consists of approximately 89 ac (36 ha) of county-owned land in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

All but 5 ac (2 ha) of Unit 5 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 84 ac (34 ha) or 94 percent of Unit 5 is enrolled in the NFC program.

Unit 6: Silver Palm Groves Pineland

Unit 6 consists of approximately 25 ac (10 ha) of State (20 ac (8 ha)) and county (5 ac (2 ha)) owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

All but 3 ac (1 ha) of Unit 6 overlaps with designated critical habitat for Bartram's scrub-hairstreak butterfly, Carter's small-flowered flax, and Florida brickell-bush. Additionally, approximately 18 ac (7 ha) or 72 percent of Unit 6 is enrolled in the NFC program.

Unit 7: Quail Roost Pineland

Unit 7 consists of approximately 48 ac (19 ha) of State-owned land in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle. The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned or managed by Miami-Dade County, including this unit. The actions help improve habitat that could support the Miami tiger beetle.

All but 1 ac (<1 ha) of Unit 7 overlaps with designated critical habitat for Bartram's scrub-hairstreak butterfly, Carter's small-flowered flax, and Florida brickell-bush. Additionally, approximately 32 ac (13 ha) or 67 percent of Unit 7 is enrolled in the NFC program.

Unit 8: Eachus Pineland

Unit 8 consists of approximately 17 ac (7 ha) of county lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland

habitat in the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

The entirety of Unit 8 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 14 ac (6 ha) or 82 percent of Unit 8 is enrolled in the NFC program.

Unit 9: Bill Sadowski Park

Unit 9 consists of approximately 20 ac (8 ha) of county-owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

All but 1 ac (<1 ha) of Unit 9 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 19 ac (8 ha) or 95 percent of Unit 9 is enrolled in the NFC program.

Unit 10: Tamiami Pineland Complex Addition

Unit 10 consists of approximately 21 ac (8 ha) of State-owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned or managed by Miami-Dade County, including this unit. The actions help improve habitat that could support the Miami tiger beetle.

All but 2 ac (<1 ha) of Unit 10 overlaps with designated critical habitat for Bartram's scrub-hairstreak butterfly, Carter's small-flowered flax, and Florida brickell-bush. Additionally, approximately 18 ac (7 ha) or 86 percent of Unit 10 is enrolled in the NFC program.

Unit 11: Pine Shore Pineland Preserve

Unit 11 consists of approximately 8 ac (3 ha) of county-owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat within the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

The entirety of Unit 11 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 7 ac (3 ha) or 86 percent of Unit 11 is enrolled in the NFC program.

Unit 12: Nixon Smiley Pineland Preserve

Unit 12 consists of approximately 117 ac (47 ha) of county-owned lands in Miami-Dade County. This unit was occupied at the time of listing and is currently occupied by the Miami tiger beetle. While surveys of this site have been inconsistent in level of effort, timing, and frequency, they have primarily focused on the habitat previously known to be occupied: The open, sandy areas on the western half of the property.

This occupied habitat contains all of the physical or biological features, including pine rockland habitat (of sufficient size) with open or sparsely vegetated sandy areas that allow for thermoregulation, foraging, egg-laying, larval development, species dispersal, and population expansion, and natural or artificial disturbance regimes. The physical or biological features in this unit are protected and actively managed to maintain healthy pine rockland habitat. They may require additional special management considerations or protection to address threats of habitat loss and fragmentation, inadequate fire management, vegetation encroachment, collection, small population size, and sea level rise. In some cases, there are management actions being implemented to reduce some of these threats, and continued coordination with our partners and landowners are ongoing to implement needed actions. This unit is occupied by one of two extant populations of Miami tiger beetle, contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

All but 2 ac (<1 ha) of Unit 12 overlaps with designated critical habitat for Bartram's scrub-hairstreak butterfly, Carter's small-flowered flax, and Florida brickell-bush. Additionally, approximately 112 ac (47 ha) or 96 percent of Unit 12 is enrolled in the NFC program.

Unit 13: Camp Matecumbe

Unit 13 consists of approximately 81 ac (33 ha) of State (76 ac (31 ha)) and county (5 ac (2 ha)) owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat in the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

All but 4 ac (1 ha) of Unit 13 overlaps with designated critical habitat for Bartram's scrub-hairstreak butterfly, Carter's small-flowered flax, and Florida brickell-bush. Additionally, approximately 62 ac (25 ha) or 77 percent of Unit 13 is enrolled in the NFC program.

Unit 14: Richmond Pine Rocklands

Unit 14 consists of approximately 1,455 ac (589 ha) in Miami-Dade County. Landownership in this unit is split among Federal (488 ac (198 ha)), county (844 ac (341 ha)), and private (123 ac (50 ha)). This unit is currently occupied by the Miami tiger beetle, which has been documented from four contiguous parcels within the Richmond Pine Rocklands: Zoo Miami Pine Rockland Preserve (Zoo Miami), Larry and Penny Thompson Park, U.S. Coast Guard, and University of Miami's Center for Southeastern Tropical Advanced Remote Sensing property (CSTARS). Miami tiger beetles within the four contiguous occupied parcels in the Richmond population are within close proximity to each other with connecting patches of habitat with few or no barriers between parcels. Given the contiguous habitat with few barriers to dispersal, frequent adult movement among individuals is likely, and the occupied Richmond parcels probably represent a single population (Knisley 2015b, p. 10).

The unit also includes areas of pine rockland habitat containing all of the physical and biological features essential to the conservation of the species that are adjacent to sites with documented occurrences. The complex, including these parcels, contains all of the essential features (physical or biological features)—including pine rockland habitat (of sufficient size) with open or sparsely vegetated sandy areas that allow for thermoregulation, foraging, egg-laying, larval development, species dispersal, and population expansion, and natural or artificial disturbance regimes. The complex as a whole protects the occupied sites within the Richmond population, provides dispersal corridors for the Richmond population, provides potential habitat for population expansion, and supports prey-base populations. Being only one of two sites known to be currently occupied by the Miami tiger beetle, this complex is important to the Miami tiger beetle to ensure redundancy for the species and to contribute to the species' viability.

The physical or biological features in this unit may require additional special management considerations or protection to address threats of habitat loss and fragmentation, inadequate fire management, vegetation encroachment, collection, small population size, and sea level rise. In some cases, these threats are being addressed or coordinated with our partners and landowners to implement needed actions.

Approximately 776 ac (314 ha) or 53 percent of Unit 14 is enrolled in the NFC program. In addition, of the approximately 1,455 ac (589 ha) of critical habitat proposed for the Miami tiger beetle in Unit 14, about 937 ac (379 ha) overlap with designated critical habitat for Bartram's scrub-hairstreak butterfly, Florida leafwing butterfly, Carter's small-flowered flax, and Florida brickell-bush. Therefore, approximately 518 ac (210 ha) of proposed critical

habitat in Unit 14 is unique to the Miami tiger beetle.

Unit 15: Calderon Pineland

Unit 15 consists of approximately 14 ac (6 ha) of county-owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat in the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Natural Areas Management Division of Miami-Dade County Parks, Recreation and Open Spaces Department conducts nonnative species control, prescribed fire, and mechanical vegetation treatments on lands owned by Miami-Dade County. The actions help improve habitat that could support the Miami tiger beetle.

The entirety of Unit 15 overlaps with designated critical habitat for Florida brickell-bush. Additionally, approximately 9 ac (4 ha) or 64 percent of Unit 15 is enrolled in the NFC program.

Unit 16: Porter Pineland Preserve

Unit 16 consists of approximately 7 ac (3 ha) of privately owned lands in Miami-Dade County. The unit is within the historical range of the Miami tiger beetle, although we are not aware of any records of historical occupancy of the unit. This unit includes remaining pine rockland habitat in the Northern Biscayne Pinelands of the Miami Rock Ridge. This unit includes all the physical or biological features essential to the conservation of the species and is protected and actively managed to maintain healthy pine rockland habitat.

This unit is currently unoccupied by the Miami tiger beetle but is essential for the conservation of the species because it serves to protect habitat needed to recover the species, reestablish wild populations within the historical range of the species, and maintain populations throughout the historical distribution of the species in Miami-Dade County. It also provides habitat for recovery in the case of stochastic events, should the Miami tiger beetle be extirpated from one of its current locations. Given this unit contains essential habitat features (all of the physical or biological features), is protected and actively managed, and has an appropriate spatial distribution falling within the range of the species, we are reasonably certain that the lands and habitat within this unit will contribute to the conservation of the Miami tiger beetle.

The Audubon Society, with the help of volunteers and other conservation groups, conduct nonnative species control, prescribed fire, and mechanical vegetation treatments on this privately owned parcel. The actions help improve habitat that could support the Miami tiger beetle.

The entirety of Unit 16 overlaps with designated critical habitat for Carter's small-flowered flax and Florida brickell-bush. Additionally, approximately 6 ac (2 ha) or 86 percent of Unit 16 is enrolled in the NFC program.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

We published a final rule revising the definition of destruction or adverse modification on August 27, 2019 (84 FR 44976). Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the Corps under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation.

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a

reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinitiate formal consultation on previously reviewed actions. These requirements apply when the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law) and, if subsequent to the previous consultation: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action. In such situations, Federal agencies sometimes may need to request reinitiation of consultation with us, but the regulations also specify some exceptions to the requirement to reinitiate consultation on specific land management plans after subsequently listing a new species or designating new critical habitat. See the regulations for a description of those exceptions.

Application of the ''Destruction or Adverse Modification'' Standard

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat as a whole for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may violate section 7(a)(2) of the Act by destroying or adversely modifying such habitat, or that may be affected by such designation.

Activities that the Service may, during a consultation under section 7(a)(2) of the Act, consider likely to destroy or adversely modify critical habitat, or activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for the Miami tiger beetle. These activities include, but are not limited to:

(1) Actions that would significantly alter the hydrology or substrate, such as ditching or filling. Such activities may include, but are not limited to, road construction or maintenance, and residential, commercial, or recreational development.

(2) Actions that would significantly alter vegetation structure or composition, such as preventing the ability to conduct prescribed burns, residential and commercial development, and recreational facilities and trails.

(3) Actions that would introduce chemical pesticides into the pine rockland ecosystem in a manner that impacts the Miami tiger beetle. Such activities may include but are not limited to mosquito control and agricultural pesticide applications.

(4) Actions that would introduce nonnative species that would significantly alter vegetation structure or composition or the life history of the Miami tiger beetle. Such activities may include, but are not limited to, release of parasitic or predator species (flies or wasps) for use in agriculture-based biological control programs.

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that: ''The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.'' No DoD lands with a completed INRMP are within the proposed critical habitat designation.

We are not aware of any DoD lands within the boundaries of the proposed designation or that would be directly affected by the designation if finalized as proposed. We have determined that the Corps, a branch of the DoD, retains ownership over a 121-ac (49-ha) parcel proposed for designation of critical habitat in Unit 14; of this parcel, 85 ac (34 ha) are forested but not managed for preservation of natural resources. These Corps lands are not considered a military instillation under the Sikes Act subject to an INRMP, so they do not meet the standards of section 4(a)(3)(B)(i) of the Act. As a result, we are not exempting any lands from this designation of critical habitat for the Miami tiger beetle pursuant to section 4(a)(3)(B)(i) of the Act.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if we determine that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless we determine, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. Under section 4(b)(2) of the Act, we may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. We have not proposed any areas for exclusion from critical habitat for the Miami tiger beetle. However, the final decision on whether to exclude any areas will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation. Accordingly, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment (see **ADDRESSES**). We describe below the process that we undertook for taking into consideration each category of impacts and our analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.''

The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.,* under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.,* conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary 4(b)(2) exclusion analysis.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Miami tiger beetle (IEc 2021, entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out the geographic areas in which the critical habitat designation is unlikely to result in probable incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.,* absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may already be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species.

If the proposed critical habitat designation contains any unoccupied units, the screening analysis filters out particular areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. If the proposed critical habitat designation contains any unoccupied units, the screening analysis assesses whether units are unoccupied because they require additional management or conservation efforts that may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM constitute what we consider to be our draft economic analysis of the proposed critical habitat designation for the Miami tiger beetle and is summarized in the narrative below.

Executive Orders (E.O.) 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation.

In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Miami tiger beetle, first we identified, in the IEM dated April 28, 2021, probable incremental economic impacts associated with the following categories of activities: (1) Federal lands management (U.S. Coast Guard, Corps, FBP, and NOAA); (2) roadway and bridge construction; (3) agriculture; (4) dredging; (5) storage and distribution of chemical pollutants; (6) commercial or residential development; and (7) recreation (including construction of recreation infrastructure). We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the Miami tiger beetle is present, Federal agencies already are required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. If we finalize this proposed critical habitat designation, our consultation would include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that will result from the species being listed and those attributable to the critical habitat designation (*i.e.,* difference between the jeopardy and adverse modification standards) for the Miami tiger beetle's critical habitat. Because the designation of critical habitat for the Miami tiger beetle is being proposed several years following the listing of the species, data, such as from consultation history, is available to help us discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. The following specific circumstances help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species and (2) any actions that would result in sufficient harm or harassment to constitute jeopardy to the Miami tiger beetle would also likely adversely affect the essential physical or biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between protections

or economic impacts associated with listing and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Miami tiger beetle totals approximately 1,977 ac (800 ha) in 16 units in Miami-Dade County, Florida. Two of the 16 units are currently occupied by the Miami tiger beetle; the remaining 14 units are within the beetle's historical range but were not occupied at the time the species was listed in 2016 and are not known to be currently occupied. As previously stated, the 14 unoccupied critical habitat units encompass approximately 405 ac (164 ha) or 20 percent of proposed critical habitat for the Miami tiger beetle, of which only 17 ac (7 ha) or 4 percent are not currently designated as critical habitat for other federally listed species. Tables 1 through 3, above, set forth specific information concerning each unit, including occupancy, land ownership, and extent of overlap with existing Federal critical habitat (see Proposed Critical Habitat Designation).

Because the majority (80 percent) of the area designated is occupied, most actions that may affect the species or its habitat would also affect designated critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the Miami tiger beetle. Therefore, only administrative costs are expected in approximately 80 percent of the proposed critical habitat designation. While the analysis for adverse modification of critical habitat will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The remaining designated area is unoccupied and mostly (96 percent of the unoccupied area) overlaps with existing designated critical habitat for other pine rockland habitat species, including Carter's small-flowered flax, Florida brickell-bush, Bartram's scrub hairstreak butterfly, and the Florida leafwing butterfly. As a result, consultations for other listed species and critical habitats are likely to have already resulted in protections absent the critical habitat designation for the Miami tiger beetle, and recommendations for those species are anticipated to be sufficient to protect the Miami tiger beetle critical habitat. Further, any consultation requirements for listed species and resulting costs would be at least partially split among each overlapped species with not one species being the sole source of the entire costs. Accordingly, in these unoccupied areas, any conservation efforts or associated probable impacts would be considered incremental effects attributed to the critical habitat designation.

The probable incremental economic impacts of the Miami tiger beetle critical habitat designation are expected to be limited to additional administrative effort as well as minor costs of conservation efforts resulting from a small number of future section 7 consultations. This is due to two factors: (1) A large portion of proposed critical habitat is considered to be occupied by the species (80 percent), and incremental economic impacts of critical habitat designation, other than administrative costs, are unlikely; and (2) in proposed areas that are not occupied by the Miami tiger beetle (20 percent), nearly all is designated critical habitat for other pine rockland species and the designation is not likely to result in additional or different project modifications from those that would already be anticipated absent the Miami tiger beetle designation. Because of the relatively small size of the critical habitat designation, the volume of lands that are State, county, or privately owned, and the substantial amount of lands that are already being managed for conservation, the numbers of section 7 consultations expected annually are modest (approximately 2 formal, 12 informal, and 14 technical assistance efforts annually across the designation).

Some potential private property value effects are possible due to public perception of impacts to private lands. The designation of critical habitat may cause some developers or landowners to perceive that private lands will be subject to use restrictions or litigation from third parties, resulting in costs. However, less than seven percent of the proposed critical habitat designation is privately owned land, leading to nominal incremental costs arising from changes in public perception of lands included in the designation.

Critical habitat designation for the Miami tiger beetle is unlikely to generate costs or benefits exceeding $100 million in a single year. Therefore, this rule is unlikely to meet the threshold for an economically significant rule, with regard to costs, under E.O. 12866. In fact, the total annual incremental costs of critical habitat designation for the Miami tiger beetle is anticipated to be less than $48,000 per year, and economic benefits are also anticipated to be small.

As we stated earlier, we are soliciting data and comments from the public on the draft economic analysis, as well as on all aspects of the proposed rule and our amended required determinations. During the development of a final designation, we will consider the information presented in the draft economic analysis and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 17.90. If we receive credible information regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion, we will conduct an exclusion analysis for the relevant area or areas. We may also exercise the discretion to evaluate any other particular areas for possible exclusion. Furthermore, when we conduct an exclusion analysis based on impacts identified by experts in, or sources with firsthand knowledge about, impacts that are outside the scope of the Service's expertise, we will give weight to those impacts consistent with the expert or firsthand information unless we have rebutting information. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (*e.g.,* a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), then national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of ''critical habitat.'' However, the Service must still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i), because section 4(b)(2) requires the Service to consider those impacts whenever it designates critical habitat. Accordingly, if DoD, Department of Homeland Security (DHS), or another Federal agency has

requested exclusion based on an assertion of national-security or homeland security concerns, or we have otherwise identified national security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides credible information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a result of compliance with section 7(a)(2) of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

DHS Land Parcel

We have determined that some lands within Unit 14 of the proposed designation of critical habitat for the Miami tiger beetle are owned, managed, or used by the U.S. Coast Guard, which is part of the DHS.

As discussed in the Richmond Pine Rocklands (Unit 14) description above, the U.S. Coast Guard property is separated into two main areas: The COMMSTA Miami and the CEU. The COMMSTA houses transmitting and receiving antennas. The CEU plans and executes projects at regional shore facilities, such as construction and post-disaster assessments.

The U.S. Coast Guard parcel contains approximately 100 ac (40 ha) of standing pine rocklands. The remainder of the site, outside of the developed areas, is made up of scraped pine rocklands that are mowed three to four times per year for maintenance of a communications antenna field. While disturbed, this scraped area maintains sand substrate and many native pine rockland species, including documented occurrences of the Miami tiger beetle. The U.S. Coast Guard parcel has a draft management plan that includes management of pine rockland habitats, including vegetation control and prescribed fire and protection of lands from further development or degradation. In addition, the standing pine rockland area is partially managed through an active recovery grant to the Institute for Regional Conservation. Under this grant, up to 39 ac (16 ha) of standing pine rocklands will undergo invasive vegetation control.

Based on a review of the specific mission of the U.S. Coast Guard facility in conjunction with the measures and efforts set forth in the draft management plan to preserve pine rockland habitat and protect sensitive and listed species, we have made a preliminary determination that it is unlikely that the critical habitat, if finalized as proposed, would negatively impact the facility or its operations. As a result, we do not anticipate any impact on national security. However, if through the public comment period we receive credible information regarding impacts on national security or homeland security from designating particular areas as critical habitat, then as part of developing the final designation of critical habitat, we will conduct a discretionary exclusion analysis to determine whether to exclude those areas under authority of section 4(b)(2) and our implementing regulations at 50 CFR 17.90.

DoD Land Parcel

As discussed above, we have determined that the Corps, a branch of the DoD, retains ownership over a 121–ac (49–ha)-parcel in Unit 14 of the proposed designation of critical habitat for the Miami tiger beetle. Over 85–ac (34–ha) of this parcel are forested but not managed for preservation of natural resources. The Corps does not have any specific management plan for the Miami tiger beetle or its habitat covering these lands. Activities conducted on this site are unknown, but we do not anticipate any impact on national security. However, if through the public comment period we receive credible information regarding impacts on national security or homeland security from designating particular areas as critical habitat, then as part of developing the final designation of critical habitat, we will conduct a discretionary exclusion analysis to determine whether to exclude those areas under authority of section 4(b)(2) and our implementing regulations at 50 CFR 17.90.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. Other relevant impacts may include, but are not limited to, impacts to Tribes, States, local governments, public health and safety, community interests, the environment (such as increased risk of wildfire or pest and invasive species management), Federal lands, and conservation plans, agreements, or partnerships. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are permitted conservation plans covering the species in the area—such as HCPs, safe harbor agreements (SHAs), or candidate conservation agreements with assurances (CCAAs)—or whether there are non-permitted conservation agreements and partnerships that may be impaired by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, public-health, community-interest, environmental, or social impacts that might occur because of the designation.

When analyzing other relevant impacts of including a particular area in a designation of critical habitat, we weigh those impacts relative to the conservation value of the particular area. To determine the conservation value of designating a particular area, we consider a number of factors, including, but not limited to, the additional regulatory benefits that the area would receive due to the protection from destruction or adverse modification as a result of actions with a Federal nexus, the educational benefits of mapping essential habitat for recovery of the listed species, and any

benefits that may result from a designation due to State or Federal laws that may apply to critical habitat.

In the case of Miami tiger beetle, the benefits of critical habitat include public awareness of the presence of Miami tiger beetle and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for Miami tiger beetle due to protection from destruction or adverse modification of critical habitat. Continued implementation of an ongoing management plan that provides conservation equal to or more than the protections that result from a critical habitat designation would reduce those benefits of including that specific area in the critical habitat designation.

We evaluate the existence of a conservation plan when considering the benefits of inclusion. We consider a variety of factors, including, but not limited to, whether the plan is finalized; how it provides for the conservation of the essential physical or biological features; whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan will be implemented into the future; whether the conservation strategies in the plan are likely to be effective; and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

After identifying the benefits of inclusion and the benefits of exclusion, we carefully weigh the two sides to evaluate whether the benefits of exclusion outweigh those of inclusion. If our analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, we then determine whether exclusion would result in extinction of the species. If exclusion of an area from critical habitat will result in extinction, we will not exclude it from the designation.

Private or Other Non-Federal Conservation Plans or Agreements and Partnerships, in General

HCPs for incidental take permits under section 10(a)(1)(B) of the Act provide for partnerships with non-Federal entities to minimize and mitigate impacts to listed species and their habitat. In some cases, HCP permittees agree to do more for the conservation of the species and their habitats on private lands than designation of critical habitat would provide alone. We place great value on the partnerships that are developed during the preparation and implementation of HCPs.

CCAAs and SHAs are voluntary agreements designed to conserve candidate and listed species, respectively, on non-Federal lands. In exchange for actions that contribute to the conservation of species on non-Federal lands, participating property owners are covered by an ''enhancement of survival'' permit under section 10(a)(1)(A) of the Act, which authorizes incidental take of the covered species that may result from implementation of conservation actions, specific land uses, and, in the case of SHAs, the option to return to a baseline condition under the agreements. The Service also provides enrollees assurances that we will not impose further land-, water-, or resource-use restrictions, or require additional commitments of land, water, or finances, beyond those agreed to in the agreements.

When we undertake a discretionary section 4(b)(2) exclusion analysis based on permitted conservation plans such as CCAAs, SHAs, and HCPs, we consider the following three factors:

(i) Whether the permittee is properly implementing the conservation plan or agreement;

(ii) Whether the species for which critical habitat is being designated is a covered species in the conservation plan or agreement; and

(iii) Whether the conservation plan or agreement specifically addresses the habitat of the species for which critical habitat is being designated and meets the conservation needs of the species in the planning area.

The proposed critical habitat designation includes areas that are covered by the following permitted plan providing for the conservation of Miami tiger beetle: Coral Reef Commons Habitat Conservation Plan.

Coral Reef Commons Habitat Conservation Plan

In preparing this proposal, we have determined that lands associated with the Coral Reef Commons HCP within the Richmond Pine Rocklands (Unit 14) are included within the boundaries of the proposed critical habitat.

As discussed in the Richmond Pine Rocklands (Unit 14) description above, Coral Reef Commons is a mixed-use community, which consists of 900 apartments, retail stores, restaurants, and parking. In 2017, an HCP and associated permit under section 10 of the Act was developed and issued for the Coral Reef Commons development. As part of the HCP and permit, an approximately 51-ac (21-ha) onsite preserve (same as the area for proposed critical habitat designation) was established under a conservation encumbrance that will be managed in perpetuity for pine rockland habitat and sensitive and listed species, including the Miami tiger beetle. In addition, an additional approximately 51-ac (21-ha) of the CSTARS site (discussed above) is an offsite mitigation area for Coral Reef Commons. Both the onsite preserve and the offsite mitigation area are being managed to maintain healthy pine rockland habitat through the use of invasive, exotic plant management, mechanical treatment, and prescribed fire, addressing both the habitat and conservation needs of the species. Since initiating the Coral Reef Commons HCP, pine rockland restoration efforts have been conducted within all of the management units in both the onsite preserve and the offsite mitigation area. A second round of prescribed fire began in February 2021. Currently, the onsite preserve meets or exceeds the success criteria described for proper implementation of the HCP.

Critical habitat within Unit 14 that is associated with the Coral Reef Commons HCP is limited to the onsite preserve and offsite mitigation area. Based on our review of the HCP and proposed critical habitat for the Miami tiger beetle, we do not anticipate requesting any additional conservation measures for the species beyond those that are currently in place. The Coral Reef Commons HCP covers the Miami tiger beetle; addresses the specific habitat of the species and meets the conservation needs of the species; and is currently being implemented properly. Therefore, at this time, we are considering excluding those specific lands associated with the Coral Reef Commons HCP that are in the preserve and offsite mitigation area from the final designation of critical habitat for the Miami tiger beetle. However, we will more thoroughly review the HCP, its implementation of the conservation measures for the Miami tiger beetle and its habitat therein, and public comment on this issue prior to finalizing critical habitat, and if appropriate, exclude from critical habitat for the Miami tiger beetle those lands associated with the Coral Reef Commons HCP that are in the preserve and offsite mitigation area.

We have further determined that there are no additional HCPs or other management plans for the Miami tiger beetle within the proposed critical habitat designation.

Tribal Lands

Several Executive Orders, Secretarial Orders, and policies concern working with Tribes. These guidance documents generally confirm our trust responsibilities to Tribes, recognize that

Tribes have sovereign authority to control Tribal lands, emphasize the importance of developing partnerships with Tribal governments, and direct the Service to consult with Tribes on a government-to-government basis. There are no Tribal lands within the designated critical habitat for Miami tiger beetle.

During the development of a final designation, we will consider any additional information received through the public comment period regarding other relevant impacts to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 17.90.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking only on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. In our economic analysis, we did not find that the designation of this proposed critical habitat will significantly affect energy supplies, distribution, or use. We do not foresee any energy development projects, supply distribution or use that may affect the proposed critical habitat units for the Miami tiger beetle. Further,

in our evaluation of potential economic impacts, we did not find that this proposed critical habitat designation would significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because the government lands being proposed for critical habitat designation are owned by the Federal Government, including the U.S. Coast Guard (DHS), U.S. Army Corps of Engineers (DoD), NOAA, and FBP; or are State or local governments such as the State of Florida, and Miami-Dade County. None of these government entities fit the definition of ''small governmental jurisdiction.'' Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the Miami tiger beetle in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for the Miami tiger beetle and concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed

designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

We determined that there are no Tribal lands that were occupied by the Miami tiger beetle at the time of listing that contain the features essential for conservation of the species, and no Tribal lands unoccupied by the Miami tiger beetle that are essential for the conservation of the species. Therefore, we are not proposing to designate critical habitat for the Miami tiger beetle on Tribal lands. As a result, there are no Tribal lands affected by the proposed designation of critical habitat for this species.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *http://www.regulations.gov.*

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Florida Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. In § 17.11(h), revise the entry for ''Beetle, Miami tiger'' under ''Insects'' in the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
INSECTS				
*	*	*	*	*
Beetle, Miami tiger	*Cicindelidia floridana*	U.S.A. (FL)	E	81 FR 68985; 10/5/2016; 50 CFR 17.95(i).[CH]
*	*	*	*	*

■ 3. In § 17.95, amend paragraph (i) by adding an entry for ''*Miami Tiger Beetle Cicindelidia floridana*'' after the entry for ''Helotes Mold Beetle *Batrisodes venyivi*)'', to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(i) *Insects.*

* * * * *

Miami Tiger Beetle *(Cicindelidia floridana)*

(1) Critical habitat units are depicted for Miami-Dade County, Florida, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the Miami tiger beetle consist of one or more of the following components:

(i) South Florida pine rockland habitat of at least 2.5 ac (1 ha) in size that is maintained by natural or prescribed fire or other disturbance regimes; and

(ii) Open sandy areas within or directly adjacent to the south Florida pine rockland habitat with little to no vegetation that allows for or facilitates normal behavior and growth such as thermoregulation, foraging, egg-laying, larval development, and habitat connectivity, which promotes the

overall distribution and expansion of the species.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) *Critical habitat map units.* Data layers defining map units were created using Esri ArcGIS mapping software. The projection used was Albers Conical Equal Area (Florida Geographic Data Library), NAD 1983 HARN. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The spatial data used to create the critical habitat unit maps are available to the public at the Service's internet site, *http://www.fws.gov/verobeach/,* or *http://www.regulations.gov* at Docket No. FWS–R4–ES–2021–0053.

(5) *Note:* Index map of all critical habitat units for Miami tiger beetle follows:

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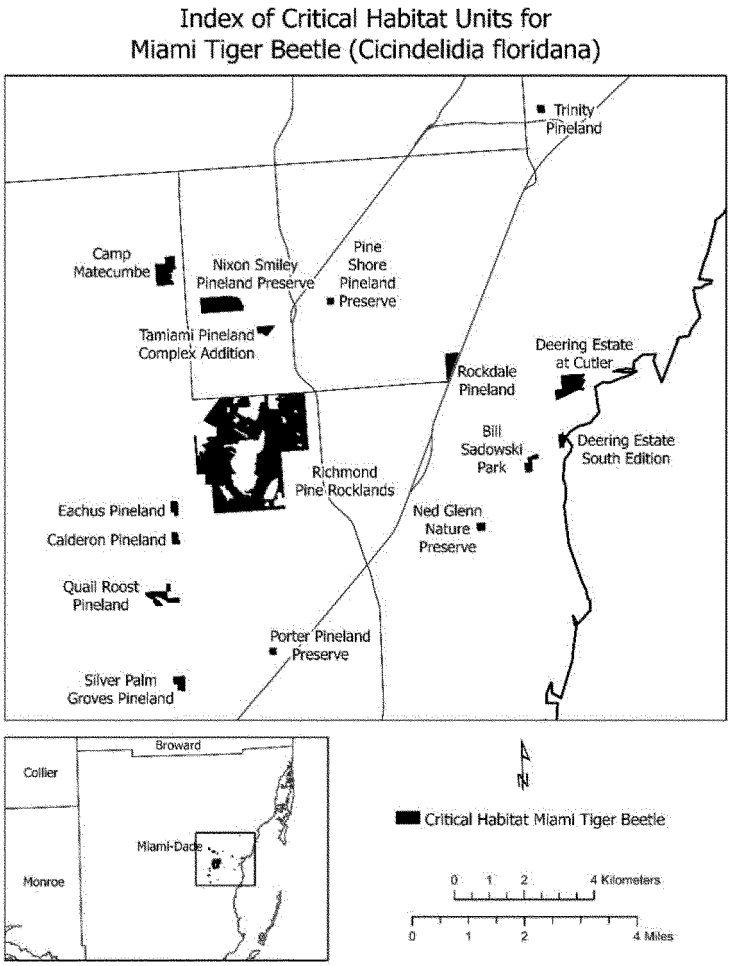
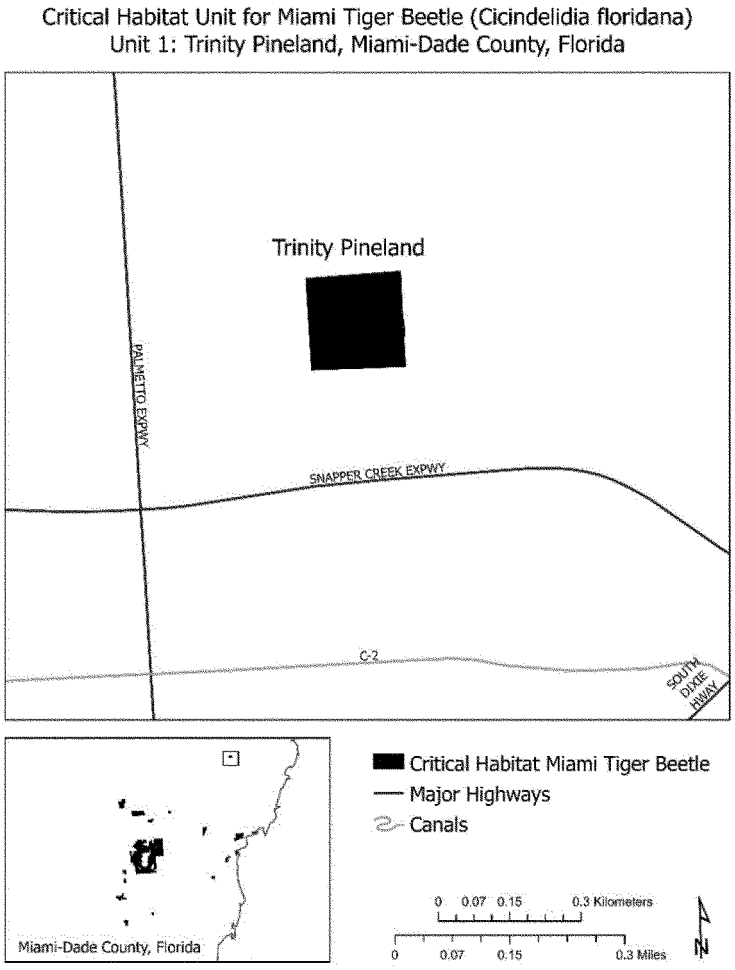


(6) Unit 1: Trinity Pineland, Miami-Dade County, Florida.

(i) Unit 1 consists of approximately 10 ac (4 ha). The unit is located between SW 72nd Street to the north, SW 80th Street to the south, South Dixie Highway to the east, and Palmetto Expressway to the west.

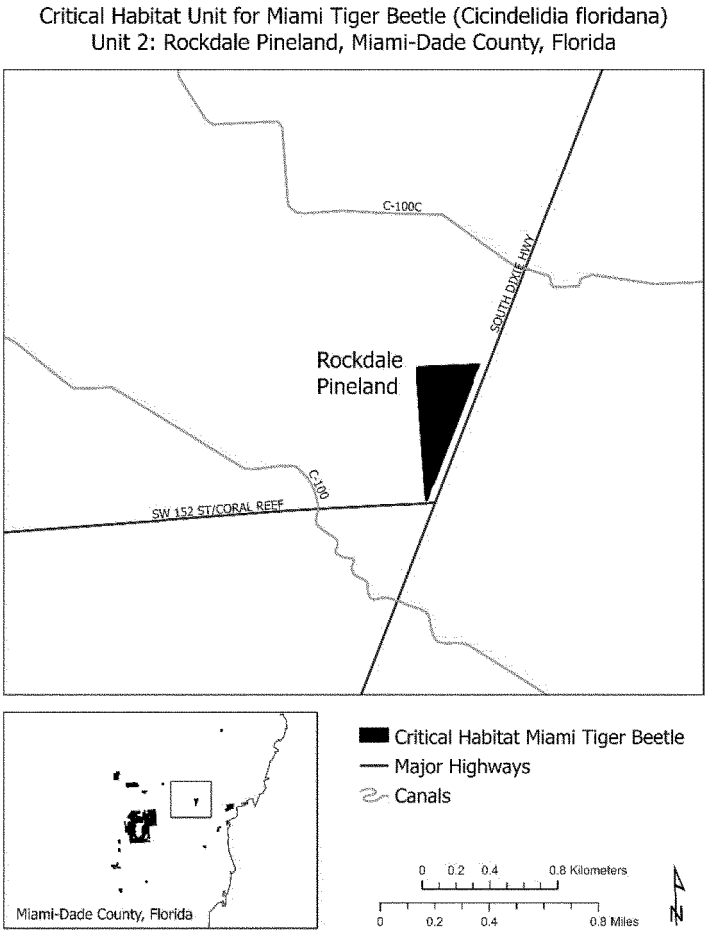
(ii) Map of Unit 1 follows:



(7) Unit 2: Rockdale Pineland, Miami-Dade County, Florida.

(i) Unit 2 consists of approximately 39 ac (16 ha). The unit is located directly west of South Dixie Highway, between SW 144th Street to the north and SW 152nd Street to the south.

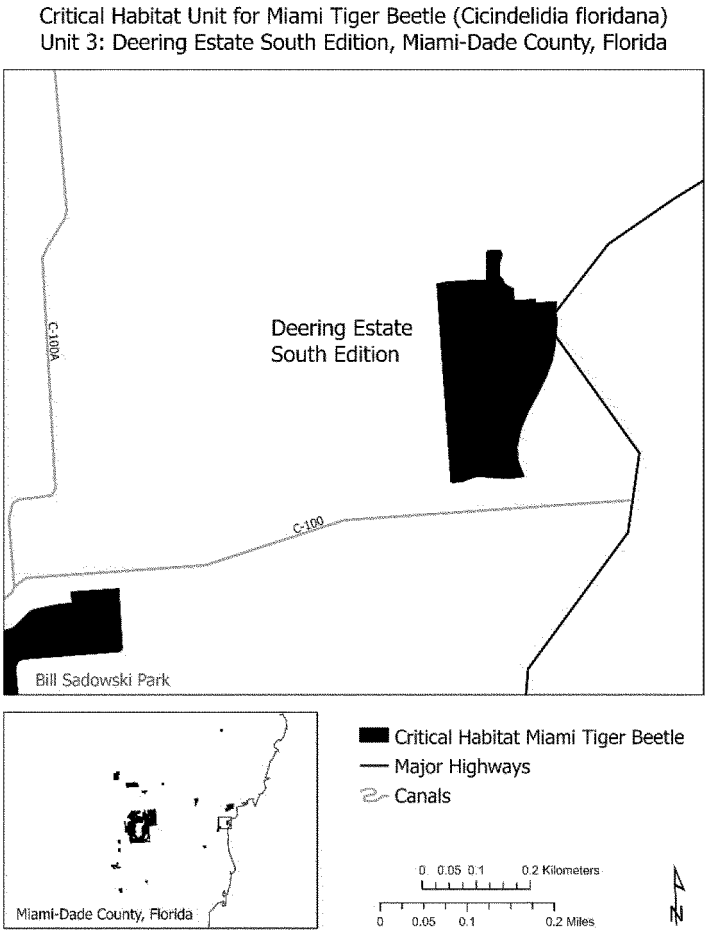
(ii) Map of Unit 2 follows:



(8) Unit 3: Deering Estate South Edition, Miami-Dade County, Florida.

(i) Unit 3 consists of approximately 16 ac (6 ha). This unit is located just east of Old Cutler Road and south of 168th Street.

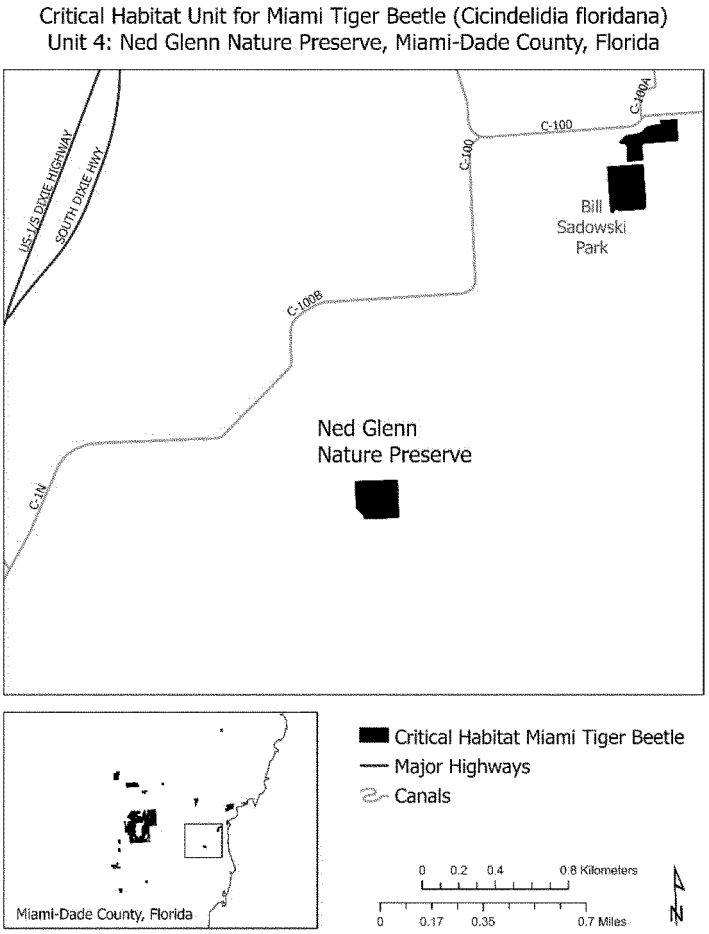
(ii) Map of Unit 3 follows:



(9) Unit 4: Ned Glenn Nature Preserve, Miami-Dade County, Florida.

(i) Unit 4 consists of approximately 11 ac (4 ha). The unit is located directly west of SW 87th Avenue, between 184th Street to the north, Old Cutler Road to the south, and Franjo Road to the west.

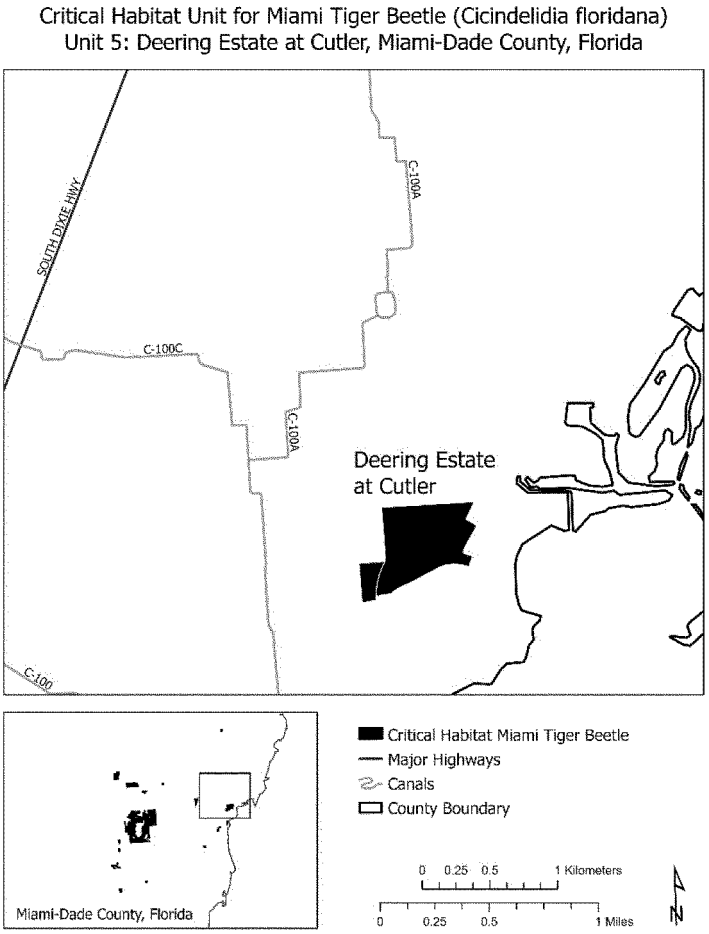
(ii) Map of Unit 4 follows:



(10) Unit 5: Deering Estate at Cutler, Miami-Dade County, Florida.

(i) Unit 5 consists of approximately 89 ac (36 ha). The unit is located southeast of SW 152nd Street and Old Cutler Road.

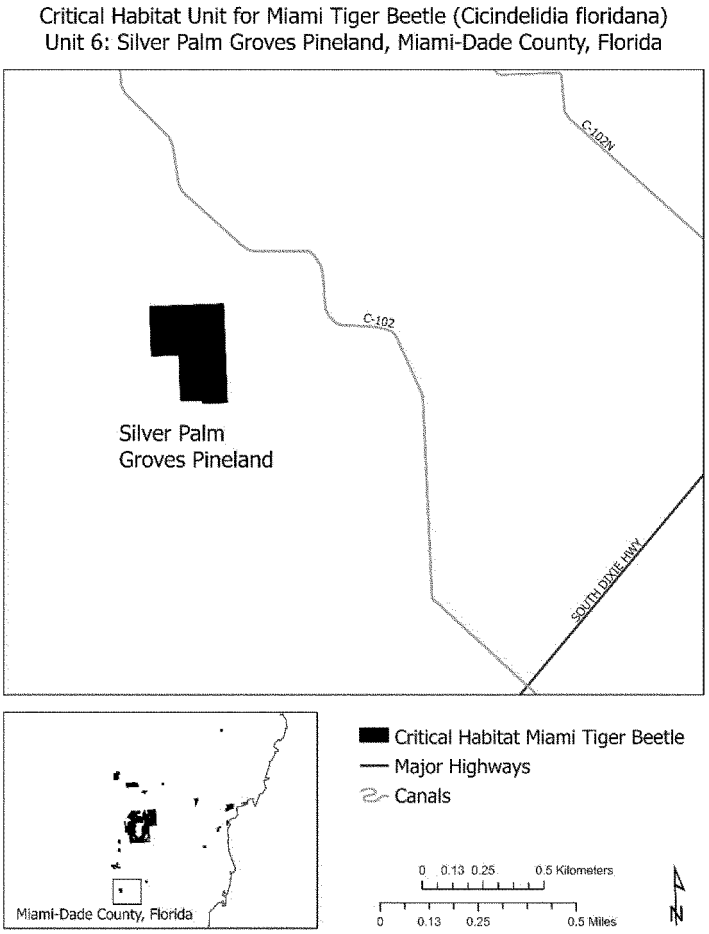
(ii) Map of Unit 5 follows:



(11) Unit 6: Silver Palm Groves Pineland, Miami-Dade County, Florida.

(i) Unit 6 consists of approximately 25 ac (10 ha). This unit is located just north of SW 232nd Street, between SW 216th Street to the north, South Dixie Highway to the east, and SW 147th Avenue to the west.

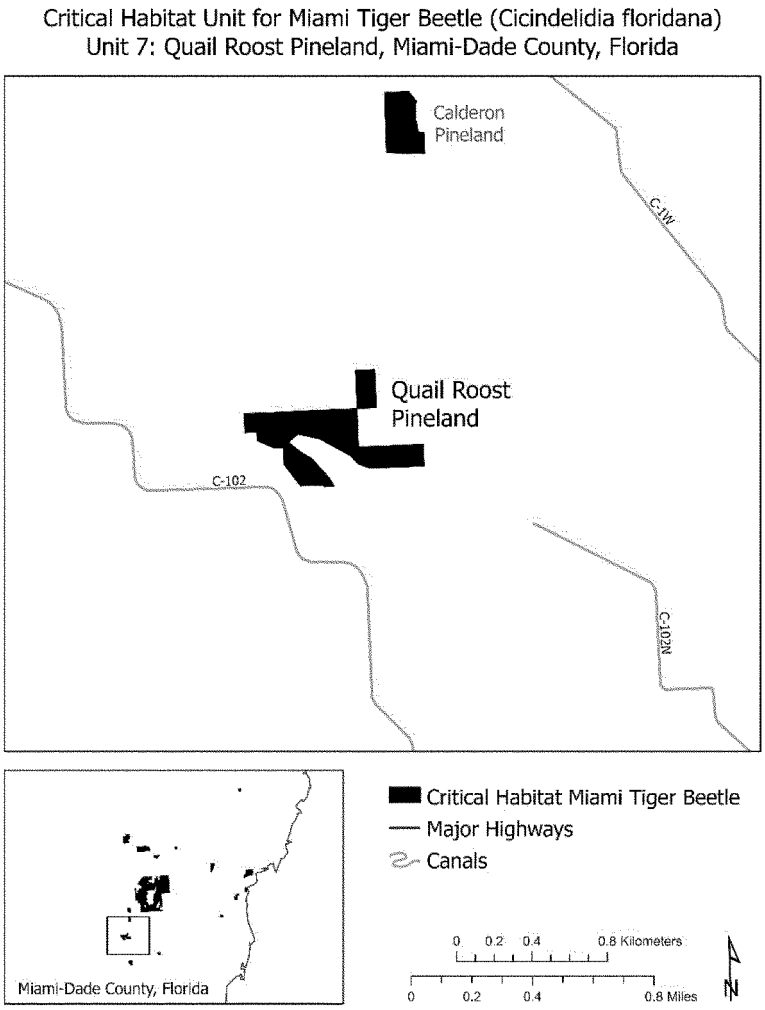
(ii) Map of Unit 6 follows:



(12) Unit 7: Quail Roost Pineland, Miami-Dade County, Florida.

(i) Unit 7 consists of approximately 48 ac (19 ha). This unit is located between SW 200th Street to the north, SW 127th Avenue to the east, SW 216th Street to the south, and SW 147th Avenue to the west.

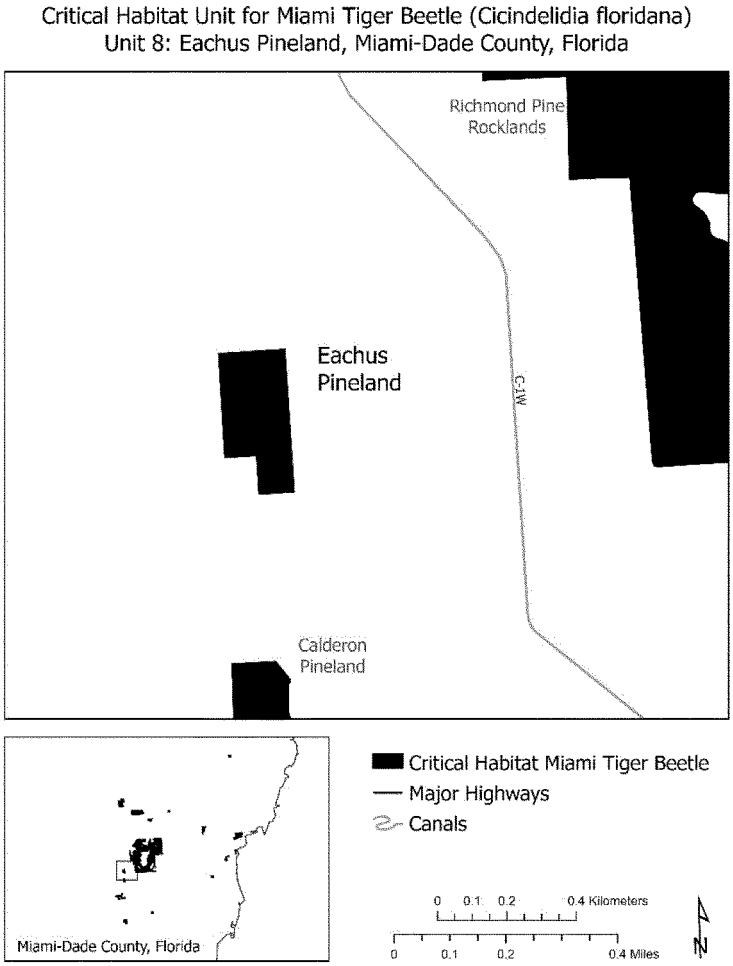
(ii) Map of Unit 7 follows:



(13) Unit 8: Eachus Pineland, Miami-Dade County, Florida.

(i) Unit 8 consists of approximately 17 ac (7 ha). This unit is located between SW 180th Street to the north, SW 137th Avenue to the east, SW 184th Street to the south and SW 142th Avenue to the east.

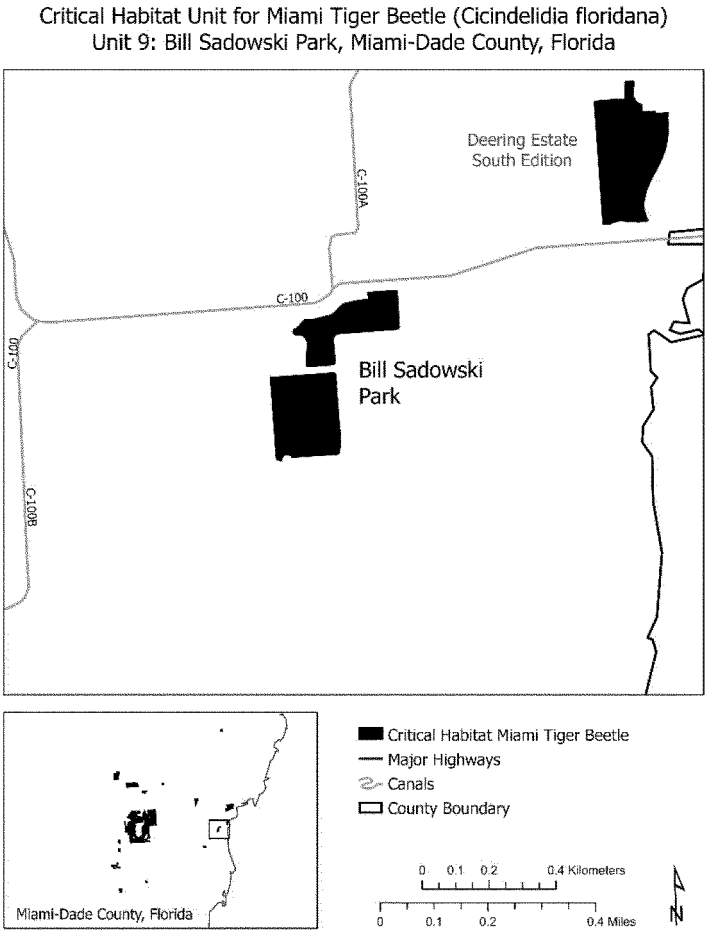
(ii) Map of Unit 8 follows:



(14) Unit 9: Bill Sadowski Park, Miami-Dade County, Florida.

(i) Unit 9 consists of approximately 20 ac (8 ha). This unit is located south of 168th Street, west of Old Cutler Road, north of SW 184th Street, and east of SW 87th Avenue.

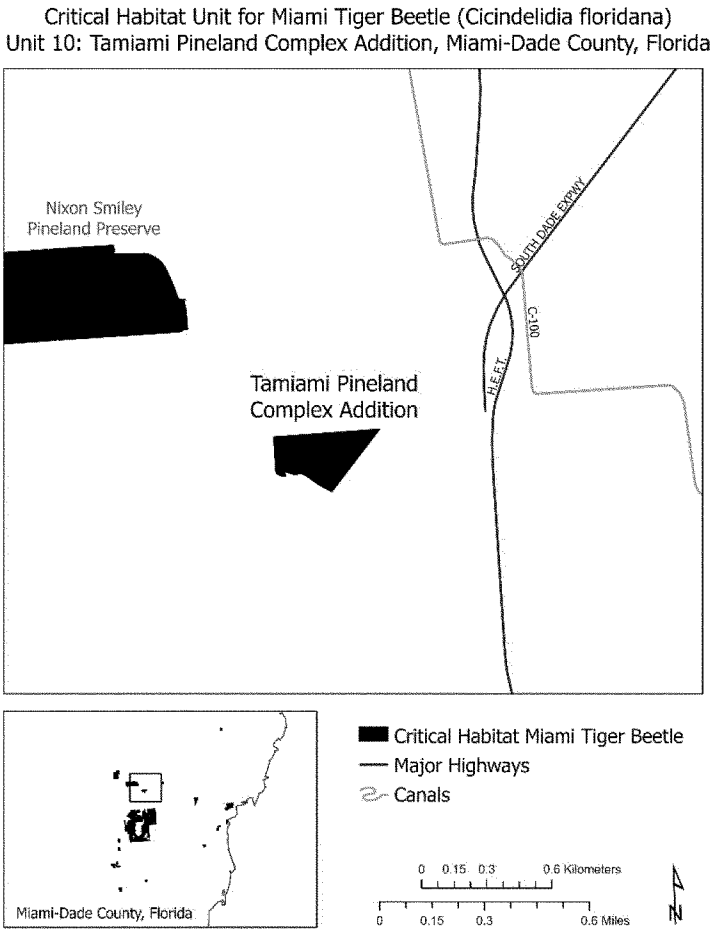
(ii) Map of Unit 9 follows:



(15) Unit 10: Tamiami Pineland Complex Addition, Miami-Dade County, Florida.

(i) Unit 10 consists of approximately 21 ac (8 ha). This unit is located south of 128th Street, west of Florida's Turnpike, north of SW 136th Street, and east of SW 127th Avenue.

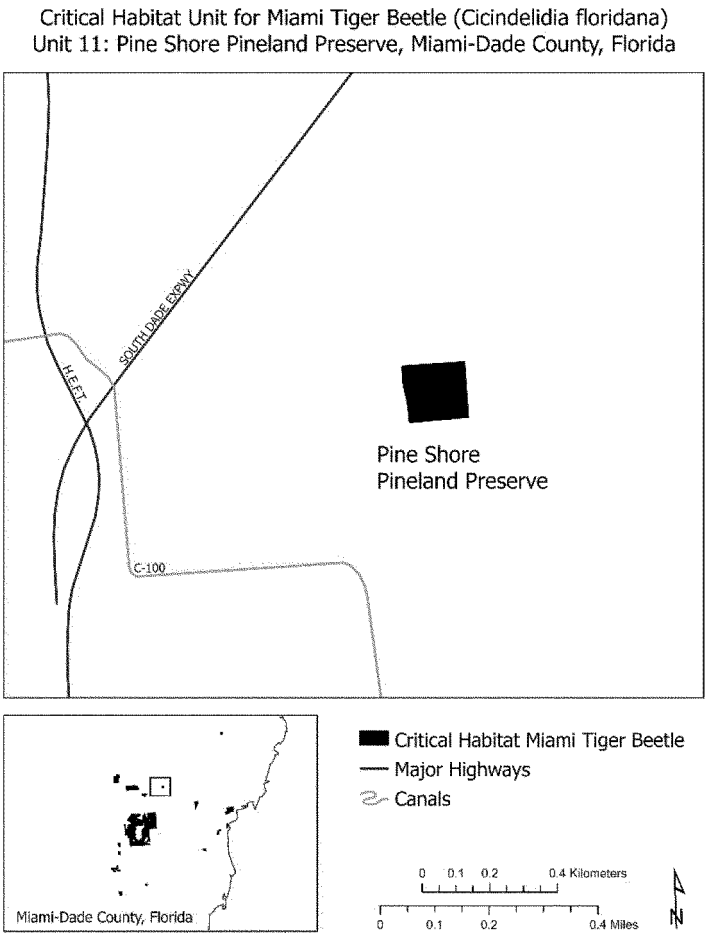
(ii) Map of Unit 10 follows:



(16) Unit 11: Pine Shore Pineland Preserve, Miami-Dade County, Florida.

(i) Unit 11 consists of approximately 8 ac (3 ha). This unit is located southwest of the Don Shula Expressway, west of SW 107th Avenue, and north of SW 128th Street.

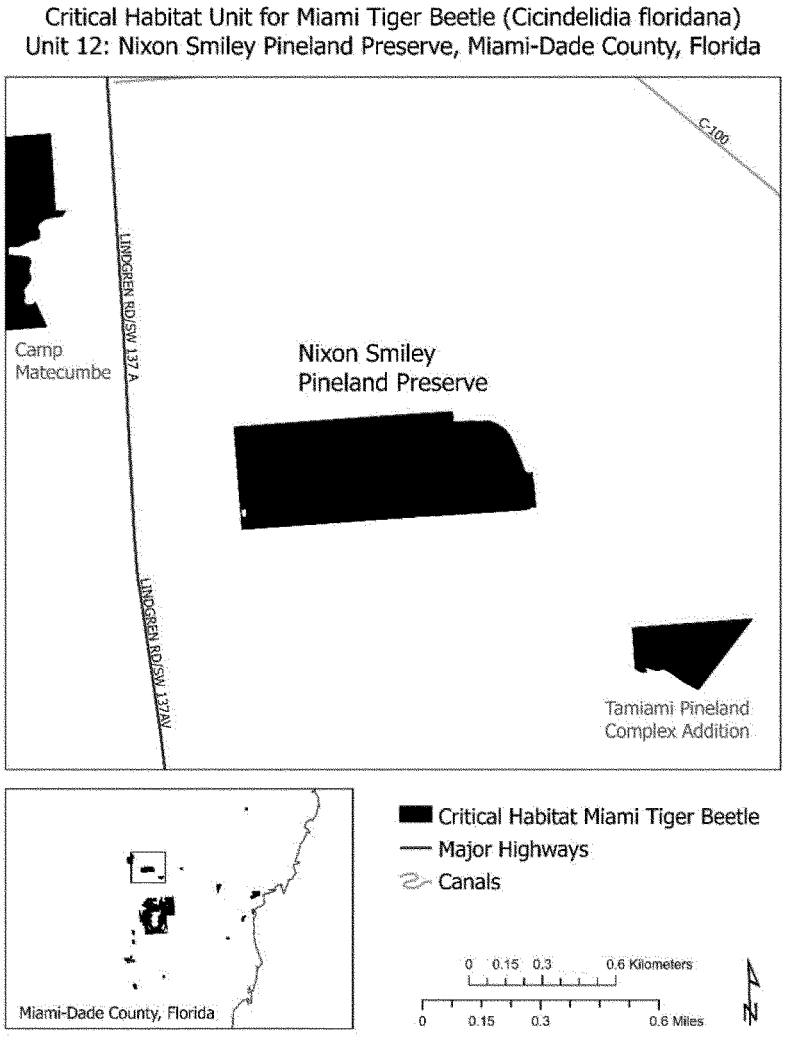
(ii) Map of Unit 11 follows:



(17) Unit 12: Nixon Smiley Pineland Preserve, Miami-Dade County, Florida.

(i) Unit 12 consists of approximately 117 ac (47 ha). This unit is located between SW 120 Street to the north, SW 127th Avenue to the east, SW 128th Street to the south, and SW 137th Avenue to the west.

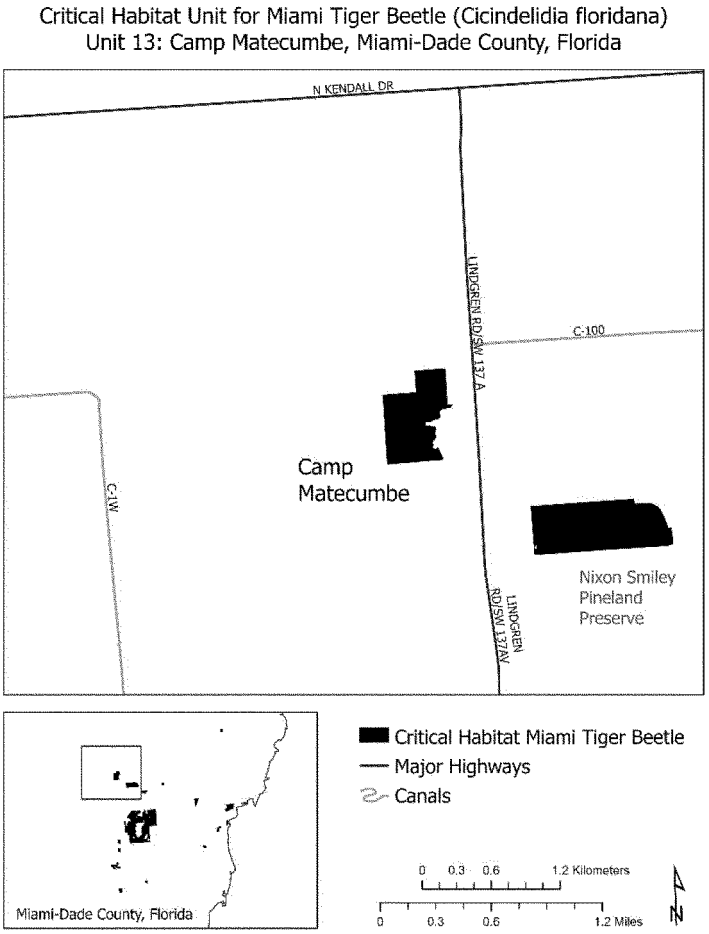
(ii) Map of Unit 12 follows:



(18) Unit 13: Camp Matecumbe, Miami-Dade County, Florida.

(i) Unit 13 consists of approximately 81 ac (33 ha). This unit is between SW 104th Street to the north, SW 137th Avenue to the east, SW 12th Street to the south, and SW 147th Avenue to the west.

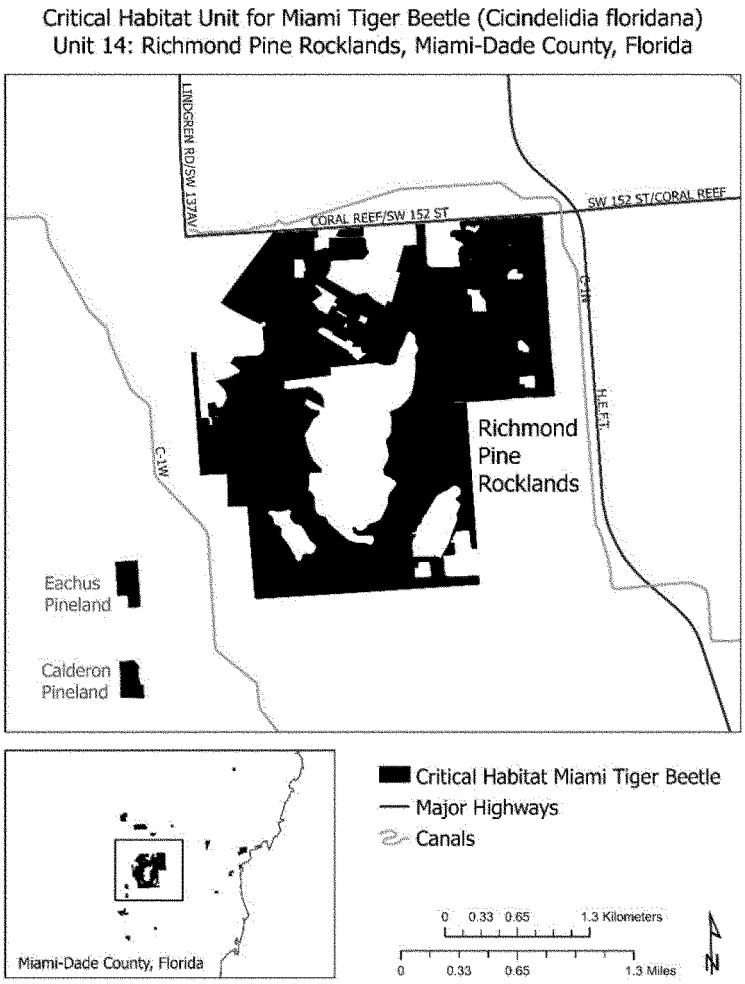
(ii) Map of Unit 13 follows:



(19) Unit 14: Richmond Pine Rocklands, Miami-Dade County, Florida.

(i) Unit 14 consists of approximately 1,455 ac (589 ha). This unit is located between SW 152nd Street to the north, SW 117th Avenue to the east, SW 185th Street to the south, and SW 137th Avenue to the west.

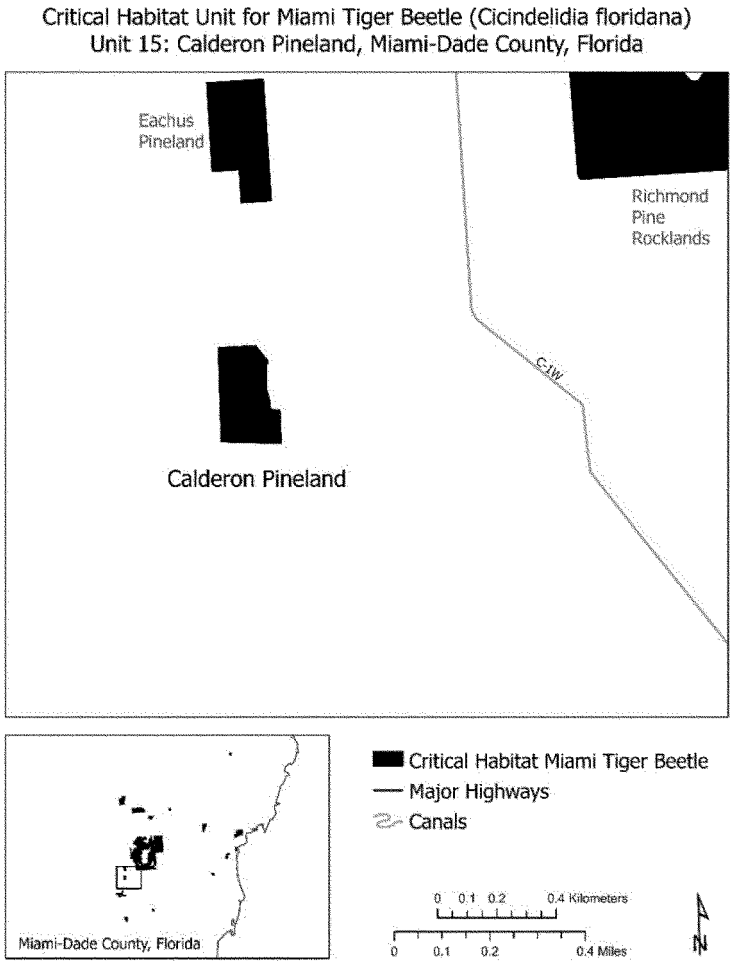
(ii) Map of Unit 14 follows:



(20) Unit 15: Calderon Pineland, Miami-Dade County, Florida.

(i) Unit 15 consists of approximately 14 ac (6 ha). This unit is located between SW 184th Street to the south, SW 137th Avenue to the east, SW 200th Street to the south, and SW 147th Avenue to the west.

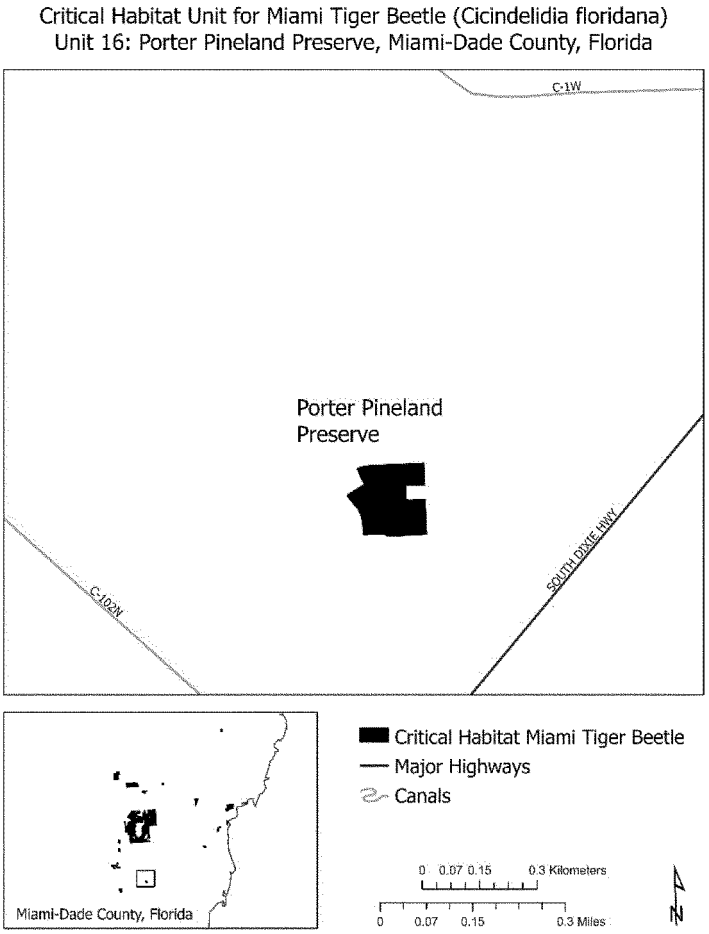
(ii) Map of Unit 15 follows:



(21) Unit 16: Porter Pineland Preserve, Miami-Dade County, Florida.

(i) Unit 16 consists of approximately 7 ac (3 ha). This unit is located to the south of SW 216th Street, to the west of South Dixie Highway, to the north of SW 232nd Street, and to the east of SW 147th Avenue.

(ii) Map of Unit 16 follows:



* * * * *

Martha Williams

Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service,

[FR Doc. 2021–19088 Filed 9–3–21; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2021–0011; FF09E21000 FXES11110900000 212]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Revise Critical Habitat for the Jaguar

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce our 90-day finding in response to a petition to revise critical habitat for the jaguar (*Panthera onca*) pursuant to the Endangered Species Act of 1973, as amended (Act). The petition requests the Service to revise the existing critical habitat designation by removing approximately 20,234 hectares (50,000 acres) of land in the northern Santa Rita Mountains in Arizona and an adjoining critical habitat subunit, including land containing the proposed Rosemont Mine. Our 90-day finding is that the petition does not present substantial scientific information indicating that the requested revision to the critical habitat designation may be warranted.

DATES: The finding announced in this document was made on September 7, 2021.

ADDRESSES: This finding is available on the internet at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2021–0011. Information and supporting documentation that we received and used in preparing this finding is available for public inspection pursuant to current COVID–19 restrictions. You may contact the Arizona Ecological Services Field Office at 9828 North 31st Ave. C3, Phoenix, AZ 85051–2517 (telephone 602–242–0210) for further information about these restrictions. Please submit any new information, materials, comments, or questions concerning this finding to the above mailing address.

FOR FURTHER INFORMATION CONTACT: Jeff Humphrey, Arizona Ecological Services Field Office (see **ADDRESSES**); telephone 602–242–0210. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 3(5)(A) of the Act (16 U.S.C. 1531 *et seq.*) defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management

considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Our implementing regulations at 50 CFR 424.12 describe our criteria for designating critical habitat. We are to consider physical and biological features essential to the conservation of the species. Our implementing regulations at 50 CFR 424.02 define the ''physical or biological features essential to the conservation of the species'' as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. In addition, our implementing regulations at 50 CFR 424.02 define ''special management considerations or protection'' as methods or procedures useful in protecting the physical or biological features essential to the conservation of listed species.

Section 4(b)(2) of the Act requires us to designate and make revisions to critical habitat for listed species on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude any particular area from critical habitat if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless she determines that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

5 U.S.C. 553(e) gives interested persons the right to petition for the issuance, amendment, or repeal of a Federal rule. Section 4(b)(3)(D) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to revise critical habitat for a species presents substantial scientific information indicating that the revision may be warranted. Our regulations at 50 CFR 424.14(i)(1)(i) state that '' 'substantial scientific information' refers to credible scientific information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the revision proposed in the petition may be warranted. Conclusions drawn in the petition without the support of credible scientific information will not be considered 'substantial information.' ''

In determining whether substantial scientific information exists, we consider several factors, including information submitted with, and referenced in, the petition and all other information readily available in our files. Our regulations at 50 CFR 424.14(e)(4) require that when the petitioner requests removal of areas from currently designated critical habitat within the geographical area occupied by the species at the time it was listed, we consider whether the petition contains information indicating that areas petitioned to be removed from currently designated critical habitat do not contain the physical or biological features that are essential to the conservation of the species, or that these features do not require special management considerations or protection. Our regulations at 50 CFR 424.14(e)(5) require that, for areas petitioned to be added to or removed from designated critical habitat that were outside the geographical area occupied by the species at the time it was listed, the petitioner must present information indicating why the petitioned areas are essential (if areas are being added) or are not essential (if areas are being removed) for the conservation of the species.

To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notification of the finding promptly in the **Federal Register**. We are to base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files. If we find that a petition presents substantial scientific information indicating that the revision may be warranted, we are required to determine how we intend to proceed with the requested revision within 12 months after receiving the petition and promptly publish notification of such intention in the **Federal Register**.

Previous Federal Actions

In 1972, the jaguar was listed as endangered (37 FR 6476; March 30, 1972) in accordance with the Endangered Species Conservation Act of 1969 (ESCA), a precursor to the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Under the ESCA, the Service maintained separate listings for foreign species and species native to the United States. At that time, the jaguar was believed to be extinct in the United States; thus, the jaguar was included only on the foreign species list. The jaguar's range was described as extending from the international boundary of the United States and Mexico southward to include Central and South America (37 FR 6476; March 30, 1972). In 1973, the Act superseded the ESCA. The foreign and native lists were replaced by a single ''List of Endangered and Threatened Wildlife'' (List), which was first published in the **Federal Register** on September 26, 1975 (40 FR 44412). In the 1975 List, the jaguar's range again was described as including Central and South America (40 FR 44412, September 26, 1975, p. 40 FR 44418), but not the United States. On July 22, 1997, we published a final rule clarifying that endangered status for the jaguar extended into the United States (62 FR 39147).

The 1997 clarifying rule included a determination that designation of critical habitat for the jaguar was not prudent (62 FR 39147, July 22, 1997, p. 62 FR 39155). However, after several petitions and legal actions, on August 20, 2012, we published in the **Federal Register** (77 FR 50214) a proposed rule to designate critical habitat for the jaguar. In that proposed rule, we proposed to designate approximately 339,220 hectares (838,232 acres) as critical habitat in six units located in Pima, Santa Cruz, and Cochise Counties, Arizona, and Hidalgo County, New Mexico. The comment period opened August 20, 2012, and closed October 19, 2012.

On March 12, 2013, we received a report from the bi-national Jaguar Recovery Team entitled Jaguar Habitat Modeling and Database Update (Sanderson and Fisher 2013, entire) that included a revised habitat model for the jaguar in the proposed Northwestern Recovery Unit. This report recommended defining habitat patches of less than 100 square kilometers (km^2) (38.6 square miles (mi^2)) in size as unsuitable for jaguars, as well as slight changes to some of the features comprising jaguar habitat. Therefore, we incorporated this information into the physical and biological features for the jaguar, resulting in changes to the boundaries as described in our August 20, 2012, proposed critical habitat rule.

On July 1, 2013, we published in the **Federal Register** (78 FR 39237) a revised proposed rule that described the revisions explained above to our

proposed designation of critical habitat for the jaguar; with those revisions, the proposed critical habitat for the jaguar totaled approximately 347,277 hectares (858,137 acres) in six units located in Pima, Santa Cruz, and Cochise Counties, Arizona, and Hidalgo County, New Mexico. We also announced the availability of a draft economic analysis and draft environmental assessment of the revised proposed designation of critical habitat for jaguar and an amended required determinations section of the proposal. Additionally, we announced the reopening of the comment period. The comment period opened July 1, 2013, and closed August 9, 2013.

On August 15, 2013, the U.S. District Court for the District of Columbia granted the Service's motion to extend the deadline for publishing a final critical habitat designation for the jaguar to December 16, 2013. This rescheduled final rulemaking date allowed us to reopen the public comment period again, because we had received multiple requests to do so. On August 29, 2013, we announced the reopening of the comment period for an additional 15 days (78 FR 53390). The comment period opened August 29, 2013, and closed September 13, 2013.

From October 1 to October 17, 2013, the U.S. Federal Government entered a shutdown and curtailed most routine operations due to a lapse in appropriations. Due to this delay, the U.S. District Court for the District of Columbia granted the Service's motion to extend the deadline for submitting a final critical habitat designation for the jaguar to the **Federal Register** to no later than February 14, 2014. On February 12, 2014, we submitted the final rule to the **Federal Register**, and on March 5, 2014, the final rule to designate critical habitat for the jaguar published in the **Federal Register** (79 FR 12572). In that final rule, we designated approximately 309,263 hectares (764,207 acres) in Pima, Santa Cruz, and Cochise Counties, Arizona, and Hidalgo County, New Mexico. The rule went into effect on April 4, 2014.

On February 10, 2020, the U.S. District Court for the District of Arizona ruled on a crossclaim filed by Rosemont Copper Company in a lawsuit challenging the critical habitat designation for the jaguar *Ctr. for Biological Diversity* v. *U.S. Fish and Wildlife Serv.,* 441 F. Supp. 3d 843 (D. Ariz. 2020) (*Ctr. for Biological Diversity*)). The court upheld the Service's critical habitat designation, but found that critical habitat Unit 3 was unoccupied at the time of listing. This decision was appealed to the 9th Circuit Court of Appeals by Rosemont Copper Company. The case is currently stayed, and no final judgment on the matter has been entered.

Petition History

On November 11, 2020, we received a petition from the petitioner (Rosemont Copper Company) requesting that critical habitat for the jaguar be revised under the Act, pursuant to section 4 of the Act (16 U.S.C. 1533) and 50 CFR 424.10 and 424.14. The petition requested approximately 20,234 hectares (50,000 acres) of land in the northern Santa Rita Mountains and an adjoining critical habitat subunit, including land containing the proposed Rosemont Copper Mine, be removed from the critical habitat designation for the jaguar. In particular, the petition seeks the removal of a portion of critical habitat Unit 3 and Subunit 4b. The Service found that Unit 3 was occupied by the jaguar at the time of listing, but, due to uncertainty regarding occupation at the time of listing, we also determined that Unit 3 was essential to the conservation of the species. We also found Subunit 4b was unoccupied at the time of listing but essential to the conservation of the species.

In the petition, the petitioner provided the following assertions to support its requested revisions:

1. ''The Arizona District Court has subsequently determined that the Santa Rita Mountains were not occupied at the time of listing, and in designating critical habitat, the Service failed to evaluate areas that are occupied by jaguars in accordance with its own rules'' (Rosemont 2020, p. 7).

2. ''The northern Santa Rita Mountains provide limited conservation benefits and are not essential to the conservation of the species'' (Rosemont 2020, p. 8).

3. ''The FWS erroneously relied on the 2013 BiOp [biological opinion for the Rosemont Copper Mine] and did not consider excluding the northern Santa Rita Mountains from the critical habitat'' (Rosemont 2020, p. 10).

4. ''The critical habitat designation is no longer 'prudent' '' based on the August 27, 2019, final rule (84 FR 45020) that amended the regulations at 50 CFR 424.12 governing the listing of species and designation of critical habitat (Rosemont 2020, p. 12).

5. Subunit 4b (a subunit providing connectivity from Unit 4 to Mexico through Unit 3) is unoccupied; no evidence exists that a jaguar has used the subunit or would need to use it to travel to and from Mexico; more direct routes from Unit 4 to Mexico are available; and, if the northern Santa Rita Mountains are removed from critical habitat, there is no reason to designate Subunit 4b (Rosemont 2020, pp. 12–13).

6. ''The removal of the northern Santa Rita Mountains and Subunit 4b will have little impact on the remaining critical habitat'' (about 6.5% of the total) (Rosemont 2020, p. 13).

The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Species Information

The jaguar is the largest species of cat native to the Western Hemisphere. Jaguars are muscular cats with relatively short, massive limbs and a deep-chested body. They are cinnamon–buff in color with many black spots; melanistic forms are also known, primarily from the southern part of the range (Service 1997, p. 39147). Jaguars historically ranged from the southern United States to central Argentina (Swank and Teer 1989, p. 14; Caso *et al.* 2008, p. 2). Currently, they range from the southwestern United States to northern Argentina, are found in all countries except for El Salvador and Uruguay (Zeller 2007, all maps), and are estimated to occupy 51 percent of their historical range (Quigley *et al.* 2017, p. 3; Jędrzejewski *et al.* 2018, p. 10).

Jaguars breed year-round rangewide, but at the southern and northern ends of their range there is evidence for a spring breeding season. Gestation is about 100 days; litters range from one to four cubs (usually two). Cubs remain with their mother for nearly 2 years. Females begin sexual activity at 3 years of age, males at 4. Studies have documented few wild jaguars more than 11 years old. The list of prey consumed by jaguars rangewide includes more than 85 species (Seymour 1989, p. 340), such as peccaries (javelina), capybaras, pacas, armadillos, caimans, turtles, and various birds and fish. Javelina and deer are presumably mainstays in the diet of jaguars in the United States and Mexico borderlands (Service 1997, p. 39147).

Jaguars are known from a variety of habitats (for example, see Seymour 1989, p. 340). They show a high affinity to lowland wet habitats, typically swampy savannas or tropical rain forests. However, they also occur, or once did, in upland habitats in warmer regions of North and South America. Within the United States, jaguars have been recorded most commonly from Arizona, but there are also records from California, New Mexico, and Texas, and reports from Louisiana (Service 1997, p. 39147).

Evaluation of Information for the 90-Day Finding

Section 4(b)(2) of the Act requires us to designate and revise critical habitat for listed species on the basis of the best scientific data available. Section

4(b)(3)(D)(i) requires us to make a finding as to whether the petition presents substantial scientific information indicating that the revision may be warranted. For the purposes of findings on petitions to revise critical habitat, we apply the definition of ''substantial scientific information'' set forth at 50 CFR 424.14(i)(1)(i).

90-Day Finding

As noted earlier, the court in *Ctr. for Biological Diversity* upheld our critical habitat determination for jaguar, but found that critical habitat Unit 3 was unoccupied at the time of listing. That decision has been appealed by the petitioner. The case is currently stayed. In an abundance of caution, we analyzed the petition under both 50 CFR 424.14(e)(4) and (e)(5). That is, we considered the petition as if Unit 3 was occupied at the time of listing and, separately, consistent with the District Court's judgment, as if Unit 3 was unoccupied at the time of listing. Under either analysis, we do not find that the petition meets the substantial scientific information standard.

In the first analysis, we considered whether the petition, pursuant to 50 CFR 424.14(e)(4), contains substantial scientific information indicating that areas to be removed from currently designated critical habitat within the geographical area occupied by the species at the time it was listed (Unit 3) do not contain the physical or biological features that are essential to the conservation of the species, or that these features do not require special management considerations or protection. The petition did not provide substantial scientific information that Unit 3, including the northern Santa Rita Mountains and the area around the proposed mine, no longer contains the physical or biological features of jaguar critical habitat, nor did the petition provide substantial scientific information that these features no longer require special management considerations or protection.

In the second analysis, we applied the standard set forth at 50 CFR 424.14(e)(5) to both Unit 3 and Subunit 4b. We find the petition does not contain substantial scientific information indicating that areas petitioned to be removed from critical habitat (the northern portion of Unit 3 and all of Subunit 4b) are not essential for the conservation of the species. Subunit 4b is essential to the conservation of the jaguar because it contributes to the species' persistence by providing connectivity from the Whetstone Mountains (Unit 4) to Mexico via Unit 3 (79 FR 12572, March 5, 2014, p. 79 FR 12589). The ability for jaguars in the Northwestern Recovery Unit (one of two recovery units deemed essential to the jaguar by the Jaguar Recovery Team; U.S. Fish and Wildlife Service 2018, p. 82) to use physical and biological habitat features in the borderlands region is ecologically important to the recovery of the species; therefore, maintaining connectivity to Mexico is essential to the conservation of the jaguar (79 FR 12572, March 5, 2014, p. 79 FR 12574). The petition states that there is no evidence that a jaguar has used Subunit 4b or would need to use the subunit to travel to and from Mexico because jaguars have more direct geographic connections to Mexico via the mountain ranges close to the border (Rosemont 2020, p. 12). However, because Subunit 4b is considered unoccupied, evidence of jaguar use is not a requirement to consider the subunit essential. Additionally, speculation about where a jaguar may or may not travel is not substantial scientific information according to our regulations at 50 CFR 424.14(i)(1)(i). Therefore, the petition does not provide substantial scientific information as to why this subunit is not essential or why it does not contribute to connectivity to Mexico.

Unit 3 was found to be unoccupied by the court, but the court determined that Unit 3 is essential to the recovery of the species (see *Ctr. for Biological Diversity* at 873). When designating critical habitat for the jaguar, we recognized that an argument could be made that no areas in the United States were occupied by the species at the time it was listed, or that only areas containing undisputed Class I records from between 1962 and 1982 were occupied (79 FR 12572, March 5, 2014, p. 79 FR 12582). For this reason, in our final critical habitat rule, we also analyzed whether or not these areas are essential to the conservation of the species. In the final rule, we determined that areas we considered occupied (such as Unit 3) are also essential to the conservation of the species because: (1) They have demonstrated recent (since 1996) occupancy by jaguars; (2) they contain features that comprise jaguar habitat; and (3) they contribute to the species' persistence in the United States by allowing the normal demographic function and possible range expansion of the Northwestern Recovery Unit, which is essential to the conservation of the species. The petition provides no substantial scientific information indicating why Unit 3 is not essential for the conservation of the species based on these three factors we identified in the critical habitat rule.

First, the petition does not provide information challenging that Unit 3 has demonstrated recent (since 1996) occupancy by jaguars. The petition acknowledges that a single male jaguar was detected in the Santa Rita Mountains from 2012–2015, one that was also detected in the Whetstone Mountains (Unit 4) in 2011. We have information in our files corroborating the presence of this jaguar in the Santa Rita Mountains from 2012–2015. Therefore, the petition does not provide substantial scientific information indicating Unit 3 does not demonstrate recent (since 1996) occupancy by jaguars.

Second, the petition does not provide information that Unit 3 does not contain features that comprise jaguar habitat. Instead, the petition states the International Union for the Conservation of Nature and Natural Resources rates the type of habitat found in the Santa Rita Mountains as ''marginal'' habitat for jaguars (Rosemont 2020, pp. 9–10). This information does not indicate that jaguar habitat is no longer present or essential in Unit 3. We acknowledge in the final rule designating jaguar critical habitat that the ''more open, dry habitat of the southwestern United States has been characterized as marginal habitat for jaguars in terms of water, cover, and prey densities'' (79 FR 12572, March 5, 2014, p. 79 FR 12573). We also acknowledge that ''while habitat in the United States can be considered marginal when compared to other areas throughout the species' range, it appears that a few, possibly resident jaguars are able to use the more open, arid habitat found in the southwestern United States'' (79 FR 12572, March 5, 2014, p. 79 FR 12573). It is for these reasons that we determined that all of the primary constituent elements discussed in the March 5, 2014, final rule must be present in each specific area to constitute critical jaguar habitat in the United States (79 FR 12572, March 5, 2014, p. 79 FR 12587). The petition does not provide evidence that all of the primary constituent elements are no longer present in Unit 3. Therefore, the petition does not provide substantial scientific information that Unit 3 does not contain features that comprise jaguar habitat.

Third, the petition does not provide information challenging the contribution of critical habitat to the species' persistence in the United States by allowing the normal demographic function and possible range expansion of the Northwestern Recovery Unit, which is essential to the conservation of the species. The petition states that the

United States contains, at most, less than 1 percent of the worldwide jaguar habitat, and has no resident population of jaguars (Rosemont 2020, p. 9). This information relates to the status of the species and does not address whether or not Unit 3 allows for the normal demographic function and possible range expansion of the Northwestern Recovery Unit. The petition also states that removal of the northern Santa Rita Mountains and Subunit 4b represents a very small percentage of the total critical habitat—about 6.5 percent—that would be removed by the petitioned action and will not prevent the remaining critical habitat from functioning as intended for the support of the Northwest Recovery Unit (Rosemont 2020, pp. 13–14). The recovery function and value of critical habitat for the jaguar within the United States is to contribute to the species' persistence and, therefore, overall conservation by identifying areas that support some individuals during dispersal movements, that contain small patches of habitat (perhaps in some cases with a few resident jaguars), and that allow for cyclic expansion and contraction of the nearest core area and breeding population in the Northwestern Recovery Unit (79 FR 12572, March 5, 2014, p. 79 FR 12574). Removal of the northern Santa Rita Mountains would withdraw areas that currently provide the physical and biological features of jaguar critical habitat and in which confirmed jaguar detections occurred between 2012 and 2015 (U.S. Fish and Wildlife Service 2016, p. 295). In addition, removal of Subunit 4b eliminates half of the available connections to Mexico for Unit 4 (specifically to Subunit 4a), which is a unit in which the same jaguar that occupied the Santa Rita Mountains (Unit 3) was detected in 2011. The petition does not explain why these areas are no longer essential other than to assert that most critical habitat units would be unaffected, and that impacts to Unit 3 and Unit 4 would be minor and would not prevent the units from functioning as intended. This assertion does not demonstrate that changes have occurred to these areas such that the function they provide to jaguars, and the reason for which they were designated as critical habitat, is compromised. Therefore, the petition does not provide substantial scientific information that the northern Santa Rita Mountains in Unit 3 and all of Subunit 4b no longer function as critical habitat and are not essential in allowing for the normal demographic function and possible range expansion of the Northwestern Recovery Unit.

The petition discusses the 2013 biological opinion for the Rosemont Copper Mine, which was overturned by a court decision (*Ctr. for Biological Diversity* at 873), and our 2019 amendments to the regulations at 50 CFR 424.12 in its request to revise critical habitat for jaguars. We reviewed the petition's argument and find that these documents are not relevant to the question of whether the petition contained substantial information to support the removal of areas from critical habitat. Neither line of discussion speaks to whether the areas petitioned for removal contain the physical or biological features essential to the conservation of the species or provides information that these features do not require special management considerations or protection (50 CFR 424.14(e)(4).

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating the petitioned action may be warranted for the jaguar. Because the petition does not present substantial information indicating that revision of critical habitat for jaguar may be warranted, we do not intend to proceed with any such revision. However, we ask that the public submit to us any new information that becomes available concerning this species' habitat at any time by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**, above.

References Cited

A complete list of references cited in this document is available on the internet at *http://www.regulations.gov* and upon request from the Arizona Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are the staff members of the Arizona Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–19062 Filed 9–3–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2021–0092; FF09E21000 FXES11110900000 212]

RIN 1018–BF43

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Pyramid Pigtoe

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce our 12-month finding on a petition to list the pyramid pigtoe *(Pleurobema rubrum),* a freshwater mussel species from Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, and Virginia, as an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). After a review of the best available scientific and commercial information, we find that listing the species is warranted. Accordingly, we propose to list the pyramid pigtoe as a threatened species with a rule issued under section 4(d) of the Act (''4(d) rule''). If we finalize this rule as proposed, it would add this species to the List of Endangered and Threatened Wildlife and extend the Act's protections to the species.

DATES: We will accept comments received or postmarked on or before November 8, 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 a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 22, 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–R4–ES–2021–0092, U.S. Fish and Wildlife Service, MS: PRB/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 Information Requested, below, for more information).

FOR FURTHER INFORMATION CONTACT: Janet Mizzi, Field Supervisor, U.S. Fish and Wildlife Service, Asheville Ecological Services Field Office, 160 Zillicoa St, Asheville, NC 28801; telephone 828–258–3939. Persons who use a telecommunications device for the deaf (TDD) may 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 is an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year, unless, due to substantial disagreement regarding the sufficiency or accuracy of the available data, we extend the 1-year period for no more than 6 months to solicit additional data. To the maximum extent prudent and determinable, we must designate critical habitat for any species that we determine to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species can only be completed by issuing a rule.

What this document does. We propose to list the pyramid pigtoe as a threatened species with a rule under section 4(d) of the Act. If made final, this action would add the species to the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11(h) and add specific provisions pertaining to the pyramid pigtoe to 50 CFR 17.45.

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: (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. We have determined that threats to the pyramid pigtoe include habitat degradation or loss from a variety of sources (*e.g.,* dams and other barriers, resource extraction); degraded water quality from chemical contamination and erosion from development, agriculture, and mining operations; direct mortality from dredging; residual impacts (reduced population size) from historical harvest; and the proliferation of invasive, nonnative species. These threats also compound the negative effects associated with the species' small population size.

Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing to the maximum extent prudent and determinable. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat. Critical habitat is not currently determinable. However, critical habitat is prudent, and we intend to propose critical habitat for the species within 1 year of publishing this rule, after acquiring the information to determine the areas warranting critical habitat designation.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule.

We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of this species, including the locations of any additional populations of this species.

(5) Information on regulations that are necessary and advisable to provide for the conservation of the pyramid pigtoe and that the Service can consider in developing a 4(d) rule for the species. In particular, information concerning the extent to which we should include any of the section 9 prohibitions in the 4(d) rule or whether we should consider any additional exceptions from the prohibitions in the 4(d) rule.

(6) Which areas would be appropriate as critical habitat for the species and why areas should or should not be proposed for designation as critical habitat in the future.

(7) Specific information on:

(a) The amount and distribution of habitat for pyramid pigtoe that should be considered for proposed critical habitat;

(b) What may constitute ''physical or biological features essential to the conservation of the species within the geographical range currently occupied by the species'';

(c) Where these features are currently found;

(d) Whether any of these features may require special management considerations or practices;

(e) What areas that are currently occupied and contain features essential to the conservation of the species should be included in the designation and why; and

(f) What unoccupied areas are essential for the conservation of the species and why.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov.*

Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal. Based on the new information we receive (and any comments on that new information), we may conclude that the species is endangered instead of threatened, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. In addition, we may change the parameters of the prohibitions or the exceptions to those prohibitions in the 4(d) rule if we conclude it is appropriate in light of comments and new information received. For example, we may expand the prohibitions to include prohibiting take associated with additional activities if we conclude that those additional activities are not compatible with conservation of the species. Conversely, we may establish additional exceptions to the prohibitions in the final rule if we conclude that the activities would facilitate or are compatible with the conservation and recovery of the species.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service's website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

In our 1989 Animal Notice of Review (a notice identifying animal taxa that are native to the United States and being considered for addition to the List of Endangered and Threatened Wildlife), we categorized the pyramid pigtoe (which we referred to as ''pink pigtoe'') as a taxon not meeting the Act's legal definition of a species, based on our taxonomic understanding of information in published scientific literature at that time (54 FR 554, January 6, 1989). While taxonomic uncertainty remains regarding some populations identified as pyramid pigtoe, the species is recognized as valid in current scientific literature (see Background, below). On April 20, 2010, we received a petition from the Center for Biological Diversity (CBD), Alabama Rivers Alliance, Clinch Coalition, Dogwood Alliance, Gulf Restoration Network, Tennessee Forests Council, and West Virginia Highlands Conservancy to list 404 aquatic, riparian, and wetland species, including the pyramid pigtoe (referred to as ''pink pigtoe'' in our National Domestic Listing Workplan) as endangered or threatened species under the Act. On September 27, 2011, we published our determination that the petition contained substantial information indicating listing may be warranted (76 FR 59836). On April 17, 2019, CBD filed a complaint challenging the Service's failure to complete 12-month findings for these species within the statutory deadline. The Service and CBD reached a stipulated settlement agreement whereby the Service agreed to deliver a 12-month finding for the pyramid pigtoe to the Office of the Federal Register by August 31, 2021.

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for the pyramid pigtoe. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species. In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of three appropriate specialists regarding the SSA. We received two responses. We also received SSA report reviews from one Federal agency and five State agency partners, including scientists with expertise in aquatic ecology, freshwater mussel biology, taxonomy, and conservation. In addition, more than 50 individuals at Federal or State agencies, colleges or universities, or consultants provided data used in the SSA report.

I. Proposed Listing Determination

Background

A thorough review of the taxonomy, life history, and ecology of the pyramid pigtoe *(Pleurobema rubrum)* is presented in the SSA report (version 1.0; Service 2021, pp. 19–36).

The pyramid pigtoe is a freshwater mussel, reddish to chestnut brown in color, with a smooth periostracum (outer shell surface) that darkens with age (Watters et al. 2009, p. 233). Juveniles may have green rays that typically disappear with age. The shell is thick, triangular, and medium-sized (up to 3.6 inches (in) (91 millimeters (mm)) (Williams et al. 2008, p. 564). It has a shallow sulcus (depressed channel) and high anteriorly directed beak that is elevated above the hinge line (Stansbery 1967, p. 3).

The pyramid pigtoe is found in medium to large rivers, in a mixture of sand, gravel, and cobble substrates. It currently occurs in Kentucky, Tennessee, Virginia, Ohio, Alabama, Oklahoma, Arkansas, Mississippi, and Louisiana. It is considered extirpated from Pennsylvania, West Virginia, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Kansas, and Missouri. Extant populations of pyramid pigtoe occur in

the Arkansas-White-Red, Lower Mississippi, Missouri, and Ohio River regions (Hydrologic Unit Code 2 scale, Seaber et al. 1987, pp. 3–4), and it is extirpated from the Missouri and Upper Mississippi River regions (Figure 1).

Relying on fish hosts for successful reproduction, the pyramid pigtoe has a complex life cycle similar to other mussels. In general, mussels are either male or female, but differences between sexes in shell shape are subtle (Haag 2012, p. 54). Males release sperm into the water column, which is taken in by the female through the incurrent aperture, where water enters the mantle cavity. The sperm fertilize eggs in the suprabranchial chamber (located above the gills) as ova are passed from the gonad to the marsupia (Yokley 1972, p. 357). Developing larvae remain in the gill chamber until they mature (called glochidia) and are ready for release. Once released, the glochidia draw nutrients from fish hosts and develop into juvenile mussels, dropping from the hosts weeks to months after initial attachment. Only a few glochidia reach the free-living juvenile stage, and mortality rates for the glochidial stage have been estimated at 99 percent, making this a critical phase in the life history of freshwater mussels (Jansen et al. 2001, p. 211).

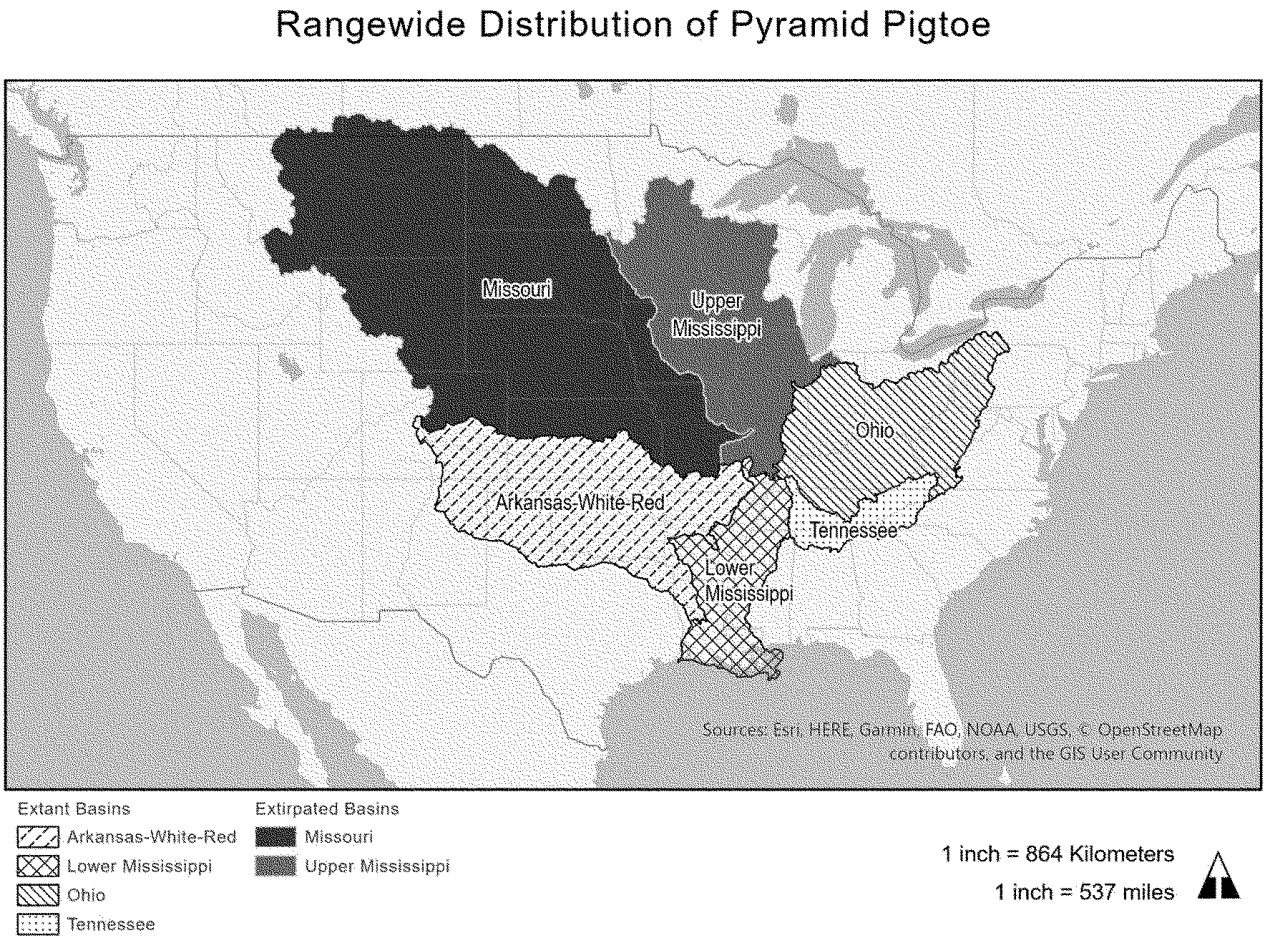

Figure 1. Rangewide distribution of pyramid pigtoe.

The pyramid pigtoe is a short-term brooder and has been recorded as gravid in the Cumberland River in May, June, and July (Gordon and Layzer 1989, p. 50). Host fish species are minnows of the family Cyprinidae and genera *Cyprinella, Erimystax, Lythrurus,* and *Notropis* (Culp et al. 2009, p. 19). Similar to other species in its tribe, Pleurobemini (taxonomic rank above genus and below family), the pyramid pigtoe targets drift-feeding minnow species by releasing glochidia contained in packets called conglutinates (Haag 2012, p. 163). Following release from the female mussel, the semi-buoyant conglutinates drift in the water column where they are targeted by sight-feeding minnows (Culp *et al,* 2009, p. 21).

A relatively long-lived species, the pyramid pigtoe has a lifespan that likely averages 20 to 30 years, based on observations of the closely related Ohio pigtoe and round pigtoe (Slater 2018, p. 35; Watters et al. 2009, p. 299). Given the longevity of closely related species, it possibly lives up to 40–45 years in some locations (Ostby and Beaty 2016, p. 117).

The pyramid pigtoe exhibits a preference for sand and gravel in rivers but also may be found in coarse sand in larger rivers (Gordon and Layzer 1989, p. 31). They can be found at depths less than 3 ft (1 m) but in large rivers can be found commonly at depths of 13 to

20 ft (4 to 6 m) or greater (Parmalee and Bogan 1998, p. 193; Williams et al. 2008, p. 566). Adult freshwater mussels within the genus *Pleurobema* are suspension-feeders that filter water and nutrients to eat. Mussels may shift to deposit feeding, though reasons for this are poorly known and may depend on flow conditions or temperature. Their diet consists of a mixture of algae, bacteria, detritus, and microscopic animals (Gatenby et al. 1996, p. 606; Strayer et al. 2004, p. 430). It has also been surmised that dissolved organic matter may be a significant source of nutrition (Strayer et al. 2004, p. 431).

The pyramid pigtoe *(Pleurobema rubrum)* belongs to a complex of four morphologically similar species, which includes the Ohio pigtoe (*P. cordatum*), rough pigtoe (*P. plenum*) and round pigtoe (*P. sintoxia*). Since its original description as a species (Rafinesque 1820, p. 314), *Pleurobema rubrum* has undergone several scientific name changes, due to its widespread distribution, variability in shell shape and size throughout its range, and similarity in morphological characters to other closely related species. Additionally, based on shell characters alone, the pyramid pigtoe has been periodically considered a subspecies of the Ohio pigtoe (Ortmann 1911, p. 331). Since its initial description in 1820, the pyramid pigtoe has sometimes been referred to as pink pigtoe by commercial shell harvesters and biologists. However, the common name applied to the species in the scientific literature and in the Integrated Taxonomic Information System is pyramid pigtoe.

Genetic studies to clarify the taxonomic relationships among *Pleurobema* indicate potential differences between pyramid pigtoe populations occupying separate river drainages. Mitochondrial DNA samples from two specimens of pyramid pigtoe indicated the Duck River, Tennessee, specimen was genetically distinct from the St. Francis River, Arkansas, specimen (Campbell et al. 2005, p. 143). These same data were included in subsequent phylogenetic studies focused on *Fusconaia* (Burdick and White 2007, p. 372) and *Pleurobema* (Campbell et al. 2008, p. 714; Campbell and Lydeard 2012b, p. 27) with similar results. Phylogeographic structuring has been observed between pyramid pigtoe from the Ouachita and St. Francis drainages in Arkansas that may represent species-level variation (Christian et al. 2008, p. 9; Harris et al. 2009, p. 74). Additionally, an analysis that included all previously published and new data representing a broad sampling across Pleurobemini revealed that pyramid pigtoe and round pigtoe may represent a single species, with two out of three species delineation models indicating one lineage present in specimens identified as round pigtoe and pyramid pigtoe (Inoue et al. 2018, p. 694). However, one of the three models indicated separate lineages of the two species. While there is some uncertainty in the taxonomic identity of populations referred to as pyramid pigtoe, especially those outside the Ohio, Cumberland, and Tennessee basins, our SSA report analyzed the status of the single species currently recognized by the scientific community (Williams et al. 2017, p. 42; Graf and Cummings 2021, p. 19).

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an endangered species or a threatened species. The Act defines an endangered species as a species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(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.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term ''foreseeable future,'' which appears in the statutory definition of ''threatened species.'' Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term ''foreseeable future'' extends only so far into the future as the Service can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. ''Reliable'' does not mean ''certain''; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-

specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent a decision by the Service on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket FWS–R4–ES–2021–0092 on *http://www.regulations.gov* and at *https://www.fws.gov/Asheville/.*

To assess pyramid pigtoe viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

Species Needs

We assessed the best available information to identify the physical and biological needs to support individual fitness at all life stages for the pyramid pigtoe. Full descriptions of all needs are available in chapter 4 of the SSA report (Service 2021, pp. 29–36), which can be found in docket number FWS–R4–ES–2021–0092 on *http://www.regulations.gov,* and on our internet site *https://www.fws.gov/Asheville/.* To maintain viability, individual pyramid pigtoes need clean flowing water, appropriate water quality and temperatures (parameters listed in Service 2021, p. 29), low levels of sedimentation, and food and nutrients. Pyramid pigtoe habitat is in rivers with natural flow regimes. Perturbations that disrupt natural flow patterns (*e.g.,* dams) have a negative influence on pyramid pigtoe and host fish resilience. Pyramid pigtoe habitat must have adequate flow to deliver oxygen, enable passive reproduction, and deliver food.

At the population and species (rangewide) level, the pyramid pigtoe needs habitat connectivity and positive demographic attributes (population density and growth rate, age class structure, recruitment) to maintain viability (Service 2021, pp. 32–33). Dendritic, or branched, orientation of stream systems can enhance metapopulation persistence compared to linear or two-dimensional systems (Fagan 2002, p. 3,243). Tributary connection to river mainstems allows movement of host fishes and helps facilitate dispersal and colonization of appropriate habitat patches by mussels. A high degree of connection between habitat patches and occupied reaches is necessary, because mussels are heavily dependent on gene exchange and host fish movement and dispersal within river corridors to maintain viable populations (Newton et al. 2008, p. 425).

Fragmentation of stream habitat results in barriers to host fish movement, which in turn, influences mussel distributions, increasing the likelihood and compounding the significance of local extirpation events (Fagan 2002, p. 3,248). The pyramid pigtoe and other mussel species that use small host fishes, such as minnows and shiners (family Cyprinidae), are more susceptible to impacts from habitat fragmentation. This is due to increasing distance between suitable habitat patches and low likelihood of small host fish swimming over that distance as compared to large host fishes (Vaughn 2012, p. 7). Barriers to movement can cause isolated or patchy distributions of mussels, which may limit both genetic exchange and recolonization (Jones et al. 2006, p. 528).

Mussel abundance in a given river reach is a product of the number of mussel beds (aggregations of freshwater mussels) and the density of mussels within those beds. Healthy pyramid pigtoe populations have numerous individuals, with multiple age classes, and exhibit regular recruitment of new age classes. For pyramid pigtoe populations to be resilient, there must be multiple mussel beds of sufficient density such that local stochastic events do not eliminate the bed(s), allowing the mussel bed and the overall local population within a river reach to recover from any one event. A dendritic distribution (branching, such that there is not a line connecting a single upstream and downstream aggregation) over a large area also helps buffer against stochastic events that may impact populations. Mussels do not actively seek mates; rather, males release sperm into the water column, where it drifts until a female takes it in (Moles and Layzer 2008, p. 212). Therefore, successful individual reproduction and population viability require sufficient numbers of female mussels downstream of sufficient numbers of male mussels; higher density (number of mussels per unit area) increases the likelihood of fertilization.

Threats

We have determined that past and current threats to the pyramid pigtoe include habitat degradation or loss from a variety of sources (*e.g.,* dams and other barriers, resource extraction); degraded water quality from chemical contamination and erosion from development, agriculture, and mining operations; direct mortality from dredging; residual impacts (reduced population size) from historical harvest; and the proliferation of invasive, nonnative species. Cumulatively, these threats also contribute to the negative

effects associated with the species' small population size in certain areas.

The following discussions include evaluations of three current threats and associated sources that are affecting the pyramid pigtoe and its habitat: (1) Habitat (including water quality) degradation or loss, (2) invasive and nonnative species, and (3) negative effects associated with small population size (Service 2021, pp. 51–83). We also considered impacts from climate change, but found no evidence linking climate change impacts to the current status of the pyramid pigtoe. We note that overutilization (commercial mussel harvest) was a threat historically and likely reduced the size of many populations such that they have not recovered to historical abundance levels, but it is not currently a threat. In addition, potential impacts from disease, parasites, and predation, as well as potential impacts to host species, were evaluated but were found to have minimal effects on viability of the pyramid pigtoe based on current knowledge (Service 2021, pp. 78–79). Although not a widespread threat, disease is likely affecting at least one population of pyramid pigtoe: The Clinch River mussel assemblage, which includes a pyramid pigtoe population, has recently undergone a die-off that is associated with a novel densovirus (Richard et al. 2020, entire). Finally, we also considered effects associated with enigmatic population declines (unexplained die-offs of large numbers of mussels over a short period of time), which have been documented in fresh water river mussel populations since the 1960s; despite speculation and repeated aquatic organism surveys and water quality monitoring, the causes of these events are largely unknown (Haag 2019, p. 43).

Predominant threats affecting each pyramid pigtoe population are listed in Table 1. Based on threat information in the literature or State Wildlife Action Plans, we categorized the threat level as low, moderate, or high depending on their magnitude and immediacy:

- Low—Threats to aquatic fauna far enough removed in time or space that they are currently exerting minimal influence on mussel populations.
- Moderate—Multiple threats linked to negative effects on mussels are present. Some threats currently acting on mussel habitat, reducing resource needs, and limiting recruitment and population growth.
- High—Multiple threats linked to negative effects on mussels are present and have been acting cumulatively on mussel habitat, prohibiting sustained recruitment and population growth.

TABLE 1—CURRENT THREATS AND LEVEL OF THREAT TO THE PYRAMID PIGTOE BY RIVER BASIN AND POPULATION

[Adapted and modified from SSA report, Service 2021, pp. 157–164]

Population	Threat level category	Threats
OHIO RIVER BASIN		
Muskingum River	High	Hydropower development; impoundment; dredging; population isolation; past commercial harvest.
Upper Green River	Low	Impoundment; habitat loss and water quality degradation; resource extraction; past commercial harvest.
Barren River	Moderate	Impoundment; habitat loss and water quality degradation; resource extraction; past commercial harvest.
Middle Green River	Moderate	Impoundment; habitat loss and water quality degradation; resource extraction; past commercial harvest.
Lower Green River	Moderate	Impoundment; habitat loss and water quality degradation; resource extraction; past commercial harvest.
Cumberland River	High	Habitat fragmentation, hypolimnetic discharges.
TENNESSEE RIVER BASIN		
Holston River	High	Habitat fragmentation, hypolimnetic discharges.
Clinch River	Moderate	Development; agricultural activities; dams; overharvest historically; contaminants; resource extraction; degraded water quality; enigmatic die-offs.
Paint Rock River	Low	Habitat loss through channel maintenance (snag removal); habitat fragmentation and population isolation due to impoundment; agriculture.
Tennessee River (Wheeler Reservoir).	High	Impoundment; habitat degradation from flow releases; past commercial harvest.
Tennessee River (Pickwick Reservoir).	High	Impoundment; dredging; navigation impacts; past commercial harvest.
Tennessee River (Kentucky Reservoir).	High	Impoundment; dredging and navigation impacts; agriculture.
Upper Duck River	Moderate	Development; agricultural activities; water quality degradation; impoundments; fragmented populations.
Lower Duck River	Moderate	Development and water quality degradation.
ARKANSAS-WHITE-RED BASIN		
Petit Jean River	Moderate	Agriculture; habitat loss and water quality degradation.
Eleven Point River	Low	Habitat loss and water quality degradation; agricultural effects.
Little River	Moderate	Impoundment, habitat loss, and water quality degradation.
LOWER MISSISSIPPI BASIN		
Lower Black River	Moderate	Agriculture, habitat loss, and water quality degradation.
Lower St. Francis River	High	Agriculture, habitat loss, and water quality degradation.
Tyronza River	High	Agriculture, habitat loss, and water quality degradation.
White River	Moderate	Impoundment, resource extraction, habitat loss, and water quality degradation.

TABLE 1—CURRENT THREATS AND LEVEL OF THREAT TO THE PYRAMID PIGTOE BY RIVER BASIN AND POPULATION—Continued

[Adapted and modified from SSA report, Service 2021, pp. 157–164]

Population	Threat level category	Threats
Upper Ouachita River	Moderate	Impoundment, navigation, habitat loss, and water quality degradation.
Little Missouri River	Moderate	Agriculture, habitat loss, and water quality degradation.
Ouachita River	Moderate	Impoundment, navigation, habitat loss, and water quality degradation.
Upper Saline River	Moderate	Impoundment, navigation; agriculture; resource extraction; habitat loss and water quality degradation.
Lower Saline River	Moderate	Impoundment, navigation, agriculture, resource extraction, habitat loss, and water quality degradation.
Bayou Bartholomew	High	Agriculture, habitat loss and water quality degradation.
Lower Ouachita River	High	Impoundment; navigation; habitat loss and water quality degradation.
Big Sunflower River	High	Agriculture; habitat loss and water quality degradation.
Hushpuckna River	High	Impoundment; agriculture; navigation; habitat loss and water quality degradation.
Bogue Phalia	High	Impoundment; agriculture; navigation; habitat loss and water quality degradation.
Little Sunflower River	High	Impoundment; agriculture; navigation; habitat loss and water quality degradation.
Sunflower River	High	Impoundment; agriculture; navigation; habitat loss and water quality degradation.
Sandy Bayou	High	Impoundment; agriculture; navigation; habitat loss and water quality degradation.
Big Black River	High	Impoundment; agriculture, habitat loss and water quality degradation.

Habitat Degradation or Loss

Development and Urbanization

Development and urbanization activities that may contribute to pyramid pigtoe habitat degradation or loss, including reduced water quality, occur throughout the species' range. The term ''development'' refers to urbanization of the landscape, including (but not limited to) land conversion for residential, commercial, and industrial uses and the accompanying infrastructure. The effects of urbanization may include alterations to water quality, water quantity, and habitat (both in-stream and streamside) (Ren et al. 2003, p. 649; Wilson 2015, p. 424). Urban development can lead to increased variability in streamflow, typically increasing the extent and volume of water entering a stream after a storm and decreasing the time it takes for the water to travel over the land before entering the stream (Giddings et al. 2009, p. 1). Deleterious effects on streams (*i.e.,* water collection on impervious surfaces that rapidly flows into storm drains and local streams), including those that may be occupied by the pyramid pigtoe, include:

• *Water Quantity:* Storm drains deliver large volumes of water to streams much faster than would naturally occur, often resulting in flooding and bank erosion that reshapes the channel and causes substrate instability, resulting in destabilization of bottom sediments. Increased, high-velocity discharges can cause pyramid pigtoe to become stressed, displaced, or killed by fast-moving water and the debris and sediment carried in it.

• *Water Quality:* Pollutants (*e.g.,* gasoline, oil drips, fertilizers) that accumulate on impervious surfaces may be washed directly into streams during storm events thereby directing killing pyramid pigtoe individuals.

• *Water Temperature:* During warm weather, rain that falls on impervious surfaces becomes superheated and can stress or kill pyramid pigtoe individuals when it enters streams.

Water infrastructure to support development, including water supply, reclamation, and wastewater treatment, results in pollution or contaminant discharges to streams. Right of way (ROW) crossings for waterlines and other utility lines also affect stream habitats. Direct impacts from utility crossings include direct exposure or crushing of individuals, sedimentation, and flow disturbance. The most significant cumulative impact involves cleared ROWs that result in direct runoff and increased stream temperature at the crossing locations. Maintenance or clearing of ROWs may entail herbicide applications that subsequently enter streams via stream runoff.

Most populations of pyramid pigtoe in urban areas with large human populations have been diminished or lost. Secondary impacts resulting from development, such as the increased contaminant introduction, stream disturbance caused by impervious surfaces, barrier construction, and forest conversion to other land use types such as agriculture or urban uses are likely acting cumulatively on the species. Increased human population growth projections indicate urban sprawl (a current process) will affect pyramid pigtoe populations in the Tennessee and Ohio basins (Terando et al. 2014, p. 7; Tayyebi et al. 2015, p. 110). In the Upper and Lower Duck River MUs, the species is currently impacted by rapid development encroaching from the city of Nashville and nearby smaller urban areas such as Columbia, TN (TWRA 2016, p. 15). The pyramid pigtoe population in the Muskingum River is downstream of the Tuscarawas River, which has been severely degraded by industrial development that continues to affect water quality (Hoggarth 1994, p. 3; Haefner and Simonson 2018, p. 1).

Threats to the pyramid pigtoe from development are partly mitigated by Federal lands. Several locations where the pyramid pigtoe occurs in water bodies located on or immediately adjacent to Federal lands receive some indirect benefits to viability such as lack of urbanization and land development pressure. These include the Pond Creek Refuge in Arkansas (Arkansas-White-Red basin) as well as Upper Ouachita, Felsenthal, and White River Refuges (Lower Mississippi basin), and Wheeler Refuge (Tennessee Basin) that are adjacent to large rivers where the pyramid pigtoe occurs. Mammoth Cave National Park also provides a level of localized protection against development pressures for the pyramid pigtoe population in the upper Green River, Kentucky (Ohio Basin).

On private lands, the Saline-Caddo-Ouachita Programmatic Safe Harbor Agreement and Candidate Conservation Agreement with Assurances programs are voluntary conservation programs that support ongoing stewardship for imperiled species, including the pyramid pigtoe. Large tracts of private land in the upper Saline and Ouachita River systems adjacent to streams and upland areas are covered under these programs. These lands are mostly upstream of pyramid pigtoe sites

(Service 2015, p. 6) but could have a positive indirect long-term benefit to the species by reducing sediment and pollutant runoff and improving water quality downstream. Some private lands in pyramid pigtoe MUs also are managed for conservation through The Nature Conservancy (TNC) programs in the upper Green River in Kentucky, the upper Clinch/Powell River, Tennessee and Virginia, the Saline River in Arkansas, and the Paint Rock River in Alabama. In these watersheds, TNC has a few riparian inholdings that are protected from developments. In addition, within these watersheds, TNC implements community-based and partner-oriented projects to address aquatic species and instream habitat conservation by restoring and protecting streambanks and riparian zones.

Various small, isolated parcels of State land (*e.g.,* State parks, State forests, wildlife management areas) along MUs where the pyramid pigtoe occurs also provide a conservation benefit as a buffer to development. However, vast tracks of riparian lands in the range of the pyramid pigtoe are privately owned, without conservation programs, and the prevalence of privately owned lands along rivers is comparatively much larger than the species' occurrence on public lands. Limited overlap of the species' range with public lands and private lands with conservation programs diminishes their ability to protect the species, because the habitat protection benefits these lands provide are at significant risk of being negated by detrimental activities upstream or immediately downstream.

Transportation

Transportation-related impacts include both road development and river navigation. Road development increases impervious surfaces as well as land clearing and habitat fragmentation. Roads are generally associated with negative effects on the biotic integrity of aquatic ecosystems, including changes in surface water temperatures and patterns of runoff, sedimentation, adding heavy metals (especially lead), salts, organics, and nutrients to stream systems (Trombulak and Frissell 2000, p. 18).

With regard to river navigation, dredging and channelization activities (as a means of maintaining waterways) have altered riverine habitats nationwide (Ebert 1993, p. 157). Channelization affects many physical characteristics of streams through accelerated erosion, increased bedload, reduced depth, decreased habitat diversity, geomorphic instability, and riparian canopy loss (Hartfield 1993, p. 139). All of these impacts contribute to loss of habitat for the pyramid pigtoe and host fishes. Increases in turbulence, suspended and deposited sediments, and turbidity resulting from river transportation and associated activities may affect mussel feeding and respiration (Aldridge et al. 1987, p. 25). In addition to dredging and channel maintenance, impacts associated with barge traffic, which includes construction of fleeting areas, mooring cells, docking facilities, and propeller wash, also destroy and disrupt mussel habitat (see Miller et al. (1989, pp. 48–49) as an example for disturbance from barges).

Transportation-related impacts across the range of the pyramid pigtoe include (but are not limited to) the following examples:

- Extensive stream channelization and snag removal has severely affected the freshwater mussel fauna and habitat in the Paint Rock River system, including the lower reaches of Estill Fork and Hurricane Creek (Ahlstedt 1995–96, p. 65). Even if active channelization activities are not currently occurring in rivers and streams occupied by the pyramid pigtoe, impacts of past actions can have permanent effects (Haag and Cicerello 2016, p. 60; Hubbard et al. 1993, p. 142; Watters 2000, p. 274).
- Commercial navigation previously took place in the lower Green and Barren Rivers, where navigation dams remain but are not in operation. Past dredging and navigation affected mussel beds in the mainstem Cumberland River, which has the last remaining population of pyramid pigtoe in the Cumberland River system (Hubbs 2012, p. 9).
- Currently, all three of the Tennessee River mainstem pyramid pigtoe MUs are likely affected to some extent by channel maintenance and navigation operations, due to their clustered distribution and proximity to navigation dams.
- Two navigation dams are operated on the Ouachita River, which is maintained by the Corps as a waterway, and affect three MUs.

Contaminants

Contaminants contained in point and non-point discharges can degrade water and substrate quality and adversely impact mussel populations. The effects of contaminants such as metals, chlorine, and ammonia are profound on juvenile mussels (Bartsch et al. 2003, p. 2,566; Augspurger et al. 2003, p. 2,571). Juvenile mussels may readily ingest contaminants bound to sediment particles (Newton and Cope 2007, p. 276). These contaminants also affect mussel glochidia, which are very sensitive to some toxicants (Goudreau et al. 1993, p. 221; Jacobson et al. 1997, p. 2,386; Valenti et al. 2005, p. 1,243). High levels of suspended solids alone (without bound contaminants) can result in mussel reproductive failure or low fertilization rates of long-term brooders, such as species of the genus *Pleurobema* (Gascho-Landis and Stoeckel 2015, p. 229).

Current State regulations regarding pollutants are designed to be protective of aquatic organisms; however, freshwater mussels may be more susceptible to some pollutants than the test organisms commonly used in bioassays. Additionally, water quality criteria may not incorporate data available for freshwater mussels (March et al. 2007, pp. 2,066–2,067). A multitude of bioassays conducted on 16 mussel species (summarized by Augspurger et al. 2007, pp. 2,025–2,028) show that freshwater mollusks are more sensitive than previously believed to some chemical pollutants, including chlorine, ammonia, copper, fungicides, and herbicide surfactants. Nickel and chloride were toxic to federally threatened mussel species at levels below the current criteria and are sensitive to sodium dodecyl sulfate (SDS), a surfactant commonly used in household detergents, for which water quality criteria do not currently exist (Gibson 2015, p. 80, p. 90; Gibson et al. 2018, pp. 247–250). None of the States in the range of the pyramid pigtoe have fully adopted the Environmental Protection Agency's 2013 recommended ammonia criteria for freshwater mollusks (78 FR 52192, August 22, 2013).

Contaminant inputs (including sediments) to pyramid pigtoe habitat stem from multiple threats, including urbanization, resource extraction, agriculture, and channel maintenance for navigation, diminishing water quality in many areas of the four basins where the species occurs. Examples of contaminant-related impacts in the range of the pyramid pigtoe include (but are not limited to) the following:

- Long-term declines and extirpation of mussels from reaches of the Upper Clinch MU in Virginia attributed, in part, to copper and zinc contamination originating from wastewater discharges at coal-fired power plants (Price et al. 2014, p. 12; Zipper et al. 2014, p. 9). Coal plants also are located on the Lower Green and Cumberland-Old Hickory MUs.
- Heavy metals toxicity to mussels has been documented in the

Muskingum, Upper Clinch, and all Tennessee River MUs (Havlik and Marking 1987, pp. 4–9).

• A chemical spill from a tanker truck accident flowed into the Upper Clinch MU in Virginia and eliminated approximately 18,000 individuals of several mussel species (Jones et al. 2001, p. 20; Schmerfeld 2006, p. 12), including approximately 750 individuals of three federally listed species (Schmerfeld 2006, p. 12). A catastrophic chemical spill in 1999 affected approximately 10 miles of the Ohio River and resulted in the loss of an estimated 1 million mussels, including two federally listed species (Butler 2005, p. 24).

State and Federal water quality programs provide a level of protection to the pyramid pigtoe from development, agriculture, and river navigation activities by regulating storm water and point source (end of pipe) discharges to streams. Section 401 of the Federal Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*) requires that an applicant for a Federal license or permit provide a certification that any discharges from the facility will not degrade water quality or violate water-quality standards, including those established by States. Section 404 of the CWA establishes a program to regulate the discharge of dredged and fill material into waters of the United States. Under the CWA, permits to fill wetlands and culvert, bridge, or realign streams or water features are issued by the U.S. Army Corps of Engineers. Current State regulations regarding pollutants are designed to be protective of aquatic organisms; however, as discussed above, freshwater mussels may be more susceptible to some pollutants than the aquatic biota for which water quality criteria are currently established.

Despite existing authorities such as the CWA, pollutants continue to impair the water quality in areas of the pyramid pigtoe's range. State and Federal regulatory mechanisms have helped reduce the negative effects of point source discharges since the 1970s, yet these regulations are difficult to implement and enforce. Although new water quality criteria are under development that will take into account more sensitive aquatic species, most current criteria do not. It is expected that several years will be needed to implement new water quality criteria throughout the species' range.

Agriculture

Agricultural activities occur across the range of the pyramid pigtoe and are a factor in its historical decline and localized extirpations. The advent of intensive row crop agricultural practices corresponds with freshwater mussel declines, and species extirpations, in the eastern United States (Peacock et al. 2005, p. 550). Nutrient enrichment and water withdrawals, threats commonly associated with agricultural activities, may be localized and limited in scope, and have the potential to affect individual pyramid pigtoe mussels. However, chemical control using pesticides may have broader impacts. Pesticides, including herbicides, fungicides, and insecticides as well as their surfactants and adjuvants, are highly toxic to juvenile and adult freshwater mussels (Bringolf et al. 2007, p. 2,092) and deleterious if not properly applied to agricultural operations. Waste from confined animal feeding and commercial livestock operations is another potential source of contaminants that come from agricultural runoff. The concentrations of these contaminants from fields or pastures may be at levels that can affect an entire population, especially given the highly fragmented distribution of the pyramid pigtoe.

Agencies such as the Natural Resources Conservation Service (NRCS) and the Soil and Water Conservation Districts provide technical and financial assistance to farmers and private landowners. Additionally, county resource development councils and university agricultural extension services disseminate information on the importance of minimizing land use impacts, specifically agriculture, on aquatic resources. These programs help identify opportunities for conservation through projects such as exclusion fencing and alternate water supply sources, which help decrease nutrient inputs and water withdrawals and help keep livestock off stream banks and shorelines, reducing erosion. However, the overall effectiveness of these programs over a large scale is unknown given the pyramid pigtoe's wide distribution and varying agricultural intensities in its range.

Dams and Barriers

Whether for flood control, hydropower, river navigation, or as abandoned mill structures, dams and their impoundments are one of the most pervasive threats to pyramid pigtoe rangewide: 26 of 35 populations and all 4 major basins in the species' range are affected (Table 1). Dams have many impacts on stream ecosystems, and the effects of impoundments and barriers on aquatic habitats and freshwater mussels are relatively well-documented (Watters 2000, p. 261). Extinction and extirpation of many North American freshwater mussels can be traced to impoundment and inundation of riffle habitats in all major river basins of the central and eastern United States (Haag 2009, p. 107). Reductions in the diversity and abundance of mussels are primarily attributed to habitat shifts, alteration and disruption of connectivity, and diminished water quality as a result of reservoir construction (Neves et al. 1997, p. 63). The survival and reproductive success of mussels are influenced upstream of dams as flowing waters change to impounded waters, with increased depths and buildup of sediments, decreased dissolved oxygen, and drastic alteration of resident fish assemblages. Downstream of dams, biotic and physical habitat conditions provided by natural flow regimes are altered by minimal releases or scouring flows, seasonal dissolved oxygen depletion, and reduced or increased water temperatures. The number of fish species is greatly reduced where coldwater flow (hypolimnetic discharge) is released. Additionally, dams fragment habitat, limiting dispersal of mussels on their fish hosts, which leads to genetic isolation of mussel populations.

Resource Extraction

Predominant resource extraction threats in the range of the pyramid pigtoe stem from mining (primarily coal but including other mineral resources) and oil and gas exploration. Activities associated with coal mining and oil and gas drilling can contribute chemical pollutants to streams. Acid mine drainage is created from the oxidation of iron-sulfide minerals such as pyrite, forming sulfuric acid (Sams and Beer 2000, p. 3). This acid mine drainage may be associated with high concentrations of aluminum, manganese, zinc, and other constituents (Tennessee Department of Environment and Conservation (TDEC) 2014, p. 72). The metals, and the high acidity typically associated with acid mine drainage, can be acutely and chronically toxic to aquatic life (Jones 1964, p. 96). Implementation of the Surface Mining Control and Reclamation Act of 1977 (SMCRA; 30 U.S.C. 1201 *et seq.*) has significantly reduced acid mine drainage from new coal mines; however, un-reclaimed areas mined prior to the SMCRA continue to generate acid mine drainage in portions of the pyramid pigtoe's range. Direct impacts to the pyramid pigtoe from acid mine drainage in most occupied river reaches are unlikely because coal mining sites tend to be adjacent to smaller headwater streams, but mining pollutants can be

transferred downstream to pyramid pigtoe habitats.

Surface mining has been identified as a source of impairment for approximately 775 mi (1,247 km) of streams in Kentucky (Kentucky Department for Environmental Protection 2014, p. 66). Weathering of soils and rock broken apart to access coal seams typically increases alkalinity, total dissolved solids, salinity, and sedimentation and alters hydrology and physical habitat of streams receiving surface mine drainage, impacting fish and aquatic invertebrate communities (*e.g.,* Bernhardt and Palmer 2011, pp. 42–49; Linberg et al. 2011, entire; Hopkins and Roush 2013, pp. 585–586; Hitt and Chambers 2014, p. 923; Hitt et al. 2016, pp. 47–53). Mining continues to impair water quality in streams in the Cumberland Plateau and Central Appalachian regions of Tennessee and Kentucky (TDEC 2014, p. 62), which contain portions of the Tennessee and Cumberland River basins, and is the primary source of low pH impairment of 376 mi (605 km) of rivers in Tennessee (TDEC 2014, p. 53). Coal mining has resulted in discharges of industrial and mine wastes from coal mines and coal processing facilities in the Clinch and Powell Rivers (Ahlstedt et al. 2016, p. 8). Direct impacts to the pyramid pigtoe from acid mine drainage or total dissolved solids in most occupied river reaches are unlikely because coal mining sites tend to be adjacent to smaller headwater streams, but associated mining pollutants (fine sediments, metals, and salts) can be transferred downstream to medium and large river pyramid pigtoe habitats (Bernhardt and Palmer, 2011 p. 46).

Natural gas extraction in the Appalachians, including the Cumberland River basin, has negatively affected water quality through accidental spills and discharges, as well as increased sedimentation due to development of road construction, pipeline, drill pad construction, as well as tree removal required to clear the construction areas (Vidic et al. 2013, p. 6). Disposal of insufficiently treated brine wastewater, more saline than seawater, has specifically been found to adversely affect freshwater mussels (Patnode et al. 2015, p. 62). Potential threats from natural gas and oil exploration are also a concern in the White River basin.

Instream sand and alluvial gravel mining has been implicated in the destruction of mussel populations (Hartfield 1993, p. 138). Negative impacts associated with gravel mining include stream channel modifications such as altered habitat, disrupted flow patterns, and sediment transport (Hubbs et al. 2006, p. 170). Additionally, water quality modifications including increased turbidity, reduced light penetration, increased temperature, and increased sedimentation result from gravel mining. Commercial sand and gravel mining and dredging directly affects the pyramid pigtoe in the Tennessee River, specifically within the Lower Tennessee–Beech MU (Hubbs et al. 2006, p. 170). The Lower Cumberland Old Hickory MU has also been affected by gravel mining and dredging in the past (Sickel 1982, p. 4) that has resulted in permanent alteration of substrates and hydraulic patterns, contributing to habitat loss for freshwater mussels.

Invasive and Nonnative Species

Invasive and nonnative species in the range of the pyramid pigtoe include the Asian clam, zebra mussel, black carp, and the plant species, hydrilla. These nonnative species impact the pyramid pigtoe through competitive interactions, water quality degradation, predation, and habitat alteration.

The Asian clam, found throughout the range of the pyramid pigtoe, alters benthic substrates, may filter native mussel sperm or glochidia, competes with native species for limited resources, and causes ammonia spikes in surrounding water when dying off en masse (Scheller 1997, p. 2). A typical settlement of the Asian clam occurs with a population density ranging from 100 to 200 clams per square meter, which may not be detrimental to native unionids; however, populations can grow as large as 3,000 clams per square meter, which would influence both food resources and competition for space for the pyramid pigtoe.

Within the range of the pyramid pigtoe, the zebra mussel occurs in the Ohio, Tennessee, and Arkansas-White-Red River basins. Native mussels, such as the pyramid pigtoe, are negatively affected by zebra mussels through direct colonization, reduction of available habitat, changes in the biotic environment, or a reduction in food sources (MacIsaac 1996, p. 292). One of the direct consequences of the invasion of zebra mussels is the local extirpation of native freshwater mussel populations from (1) attachment to the shells of native mussels, which can kill them (zebra mussels are sessile, and cling to hard surfaces); (2) affecting vertical and lateral movements of native mussels, due to heavy infestations, which can prevent valve closure; and (3) outcompeting native mussels and other filter-feeding invertebrates for food. This problem has been particularly acute in the Ohio and Tennessee River systems. Densities of zebra mussels attained 17,000 per square meter in the Tennessee River below Wilson Dam in 2017, although recent survey efforts indicate a decline from that population explosion (Garner 2018, pers. comm.).

The black carp, which feeds on mollusks, is listed as ''injurious'' under the Lacey Act and occurs in the Ohio, Tennessee, Lower Mississippi and Arkansas-White-Red basins where it overlaps populations of the pyramid pigtoe. It is highly likely that this nonnative fish will negatively impact native aquatic communities by direct predation, thus reducing populations of native mussels (Nico et al. 2005, p. 193). Because black carp attain a large size and have a lifespan reportedly over 15 years, they have the potential to cause significant harm to native mollusks by predation on multiple age classes (Nico et al. 2005, p. 77).

In addition to negative impacts of nonnative animals, the invasive nonnative plant hydrilla can affect native mussels by covering spawning areas for native fish, which may be hosts for glochidia, and can cause significant reductions in stream oxygen levels (Colle et al. 1987, p. 410). Hydrilla is widespread in the Ohio, Cumberland, and Tennessee River systems. In general, invasive aquatic plants grow uncontrolled and can cause habitat to fill in, affect flow dynamics, and increase water temperature, exacerbating drought impacts in stream habitats (Colle et al. 1987, p. 416).

The Aquatic Nuisance Species (ANS) Task Force, co-chaired by the Service and the National Oceanic and Atmospheric Administration (NOAA), encourages State and interstate planning entities to develop management plans describing detection and monitoring efforts of aquatic nuisance and nonnative species, prevention efforts to stop their introduction and spread, and control efforts to reduce their impacts. Management plan approval by the ANS Task Force is required to obtain funding under Section 1204 of the ANS Prevention and Control Act. Each state within the range of the pyramid pigtoe has either a plan approved by or submitted to the ANS Task Force, or a plan under development. These plans have been effective in terms of raising awareness at the state level of the severity of ecological damage that non-native and nuisance species are capable of, but many are in early stages of implementation. Although laws and efforts are in place which may be effective in controlling or diminishing non-native and invasive species, these

organisms are a current and future threat to the pyramid pigtoe throughout its range.

Small Population Size

Historically, an extensive, largely contiguous pyramid pigtoe population occurred through much of the eastern half of the United States, and there were limited barriers preventing genetic interchange among river systems. With the completion of hundreds of dams in the 1900s, many large-river pyramid pigtoe populations were lost, resulting in isolation of tributary populations. The population size of a long-lived species, such as the pyramid pigtoe, may take decades to decline to extirpation post-impoundment. At best, limited post-impoundment recruitment may be occurring in the isolated pyramid pigtoe populations, indicating that these small populations are not likely viable long term.

Currently, the pyramid pigtoe exhibits several traits that reduce population viability, including small population size and low fecundity at many locations compared to other mussels. Smaller population size puts the species at greater risk of extirpation from stochastic events (*e.g.,* drought) or anthropomorphic changes and management activities that affect habitat. In addition, smaller populations may have reduced genetic diversity, be less genetically fit, and more susceptible to disease during extreme environmental conditions (Frankham 1996, p. 1,505). Moreover, small and isolated populations are at higher risk of further loss of genetic variation due to genetic drift, thereby lessening the affected species' ability to adapt to a continuously changing environment. Lastly, the relatively low fecundity, coupled with low juvenile survivorship, limit the pyramid pigtoe's ability to withstand and recover from population losses. While several populations of pyramid pigtoe are at risk of extirpation due to their small size, other populations are large enough and sufficiently connected within their MU that they are regularly recruiting new cohorts. Therefore, small population size is a population-level threat but not currently a species-level or rangewide threat.

Changing Climate Conditions

Climate change threats for freshwater mussels include alteration of natural stream flow and water temperature regimes as drought, precipitation, and temperature patterns shift. Population discontinuity and isolation is possible due to the dynamics in range shifts of mussels and their host fishes as a result of warming climates, based on life-history traits (Archambault et al. 2018, p. 880). However, the mechanisms behind these shifts and how they alter population connectivity and gene flow are uncertain, and there is no evidence linking climate change impacts specifically to the current status of the pyramid pigtoe.

Cumulative/Synergistic Effects

Collectively, threats to the pyramid pigtoe have acted on the species to reduce the number of historical populations and fragment and reduce the size of extant populations. Currently, 15 of the 35 extant populations are small in size, represented by fewer than 10 individuals observed over the past 20 years. Factors such as low effective population size, genetic isolation, relatively low levels of fecundity and recruitment, and limited juvenile survival could affect the ability of these species to maintain current population levels and to rebound if a reduction in population occurs (*e.g.,* through predation, toxic releases or spills, or poor environmental conditions that inhibit successful reproduction). Additionally, fragmentation (*i.e.,* the breaking apart of habitat segments, independent of habitat loss (Fahrig 2003; p. 299)) and isolation contribute to the extinction risk that mussel populations face from stochastic events (see Haag 2012, pp. 336–338). Throughout the range of the pyramid pigtoe, impoundments fragment and isolate populations from one another, prevent dispersal, which reduces gene flow (Vaughn 2012, p. 6; Service 2018, pp. 59–60; Service 2019, p. 74), and compound other threats, such as the introduction of contaminants and pollution resulting from mining, oil and gas exploration, agricultural runoff, and untreated or poorly treated wastewater discharges.

Current Conditions

Current (and future) conditions are described using the following categories that characterize the overall condition (resiliency) of the pyramid pigtoe populations:

- High—Population with more than 50 individuals reported since 2000, distributed over a more or less contiguous river or stream of at least 31 miles (mi) (50 kilometers (km)) in length, with evidence of recent recruitment. Water quality and habitat conditions remain optimal for recruitment, and multiple age classes are represented. Populations are not linearly distributed and occur in more than one stream within the river system.
- Medium—small restricted populations (10 to 50 individuals reported since 2000) generally distributed over a more or less contiguous length of river or stream of at least 6.2 mi (10 km) but less than 31 mi (50 km)), with some level of age class structure, but vulnerable to existing threats. Appropriate substrates are generally maintained with instream flows that mimic natural conditions. Water quality and habitat degradation may occur but not at a level that negatively affects both the density and extent of a population.
- Low—very small and highly restricted populations (fewer than 10 individuals reported since 2000), distributed over less than 6.2 mi (10 km) of river or stream, with little to no evidence of age class structure (only older individuals observable). Loss of mussel habitat or water quality degradation within the formerly occupied river or stream reach has been measured or observed, and imminent threats are documented. Population is linearly distributed and geographically restricted and is not likely to withstand stochastic events.

We assessed resiliency and redundancy based on management units (MUs) defined at the hydrologic unit code (HUC) scale (Seaber et al. 1987, entire; U.S. Geological Survey 2018, entire). Management units consisted of HUC–8 regions, which are analogous to medium-sized river basins across the United States. An MU consisting of a linear reach of stream could harbor one population or, if it contained a large gap in the species' distribution as a result of an impoundment or physiographic boundary, more than one population. If multiple tributaries were occupied (dendritic distribution) each tributary within the MU was considered to represent a population. A majority of MUs contained one population, given that the pyramid pigtoe occurs only in large or medium-sized rivers and not smaller tributaries.

Representation was assessed at the larger HUC–2 region (major basin) scale, and representation units were delineated to capture the variation in adaptive traits and genetic diversity. See chapter 2 in the SSA report for further explanation of the analysis methodology (Service 2021, pp. 20–22). Each major basin contains unique physiographic provinces and ecoregions. Therefore, the populations within each major basin may harbor basin-specific adaptive traits and as such species representation has been reduced from six basins to four basins. Historical connectivity between the major basins has been lost due habitat degradation and construction of

impoundments and there is no opportunity for exchange of beneficial, or adaptive, genes between the basins.

The pyramid pigtoe's current range extends over nine States, including Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, and Virginia. The species is considered extirpated in Indiana, Illinois, Iowa, Kansas, Minnesota, Missouri, Pennsylvania, West Virginia, and Wisconsin. Its current range is within four major HUC–2 regions (the Arkansas-White-Red, Lower Mississippi, Ohio, and Tennessee River regions, Figure 1). It is extirpated in the Missouri and Upper Mississippi River HUC–2 regions. Overall, the pyramid pigtoe formerly occupied at least 135 MUs but currently occurs in 28 MUs (Figure 2). Known populations have declined in number, from 151 historically to 35 today. Currently, 15 MUs have low resiliency, 9 MUs have medium resiliency, and 4 MUs have high resiliency (Table 2, in *Future Conditions*).

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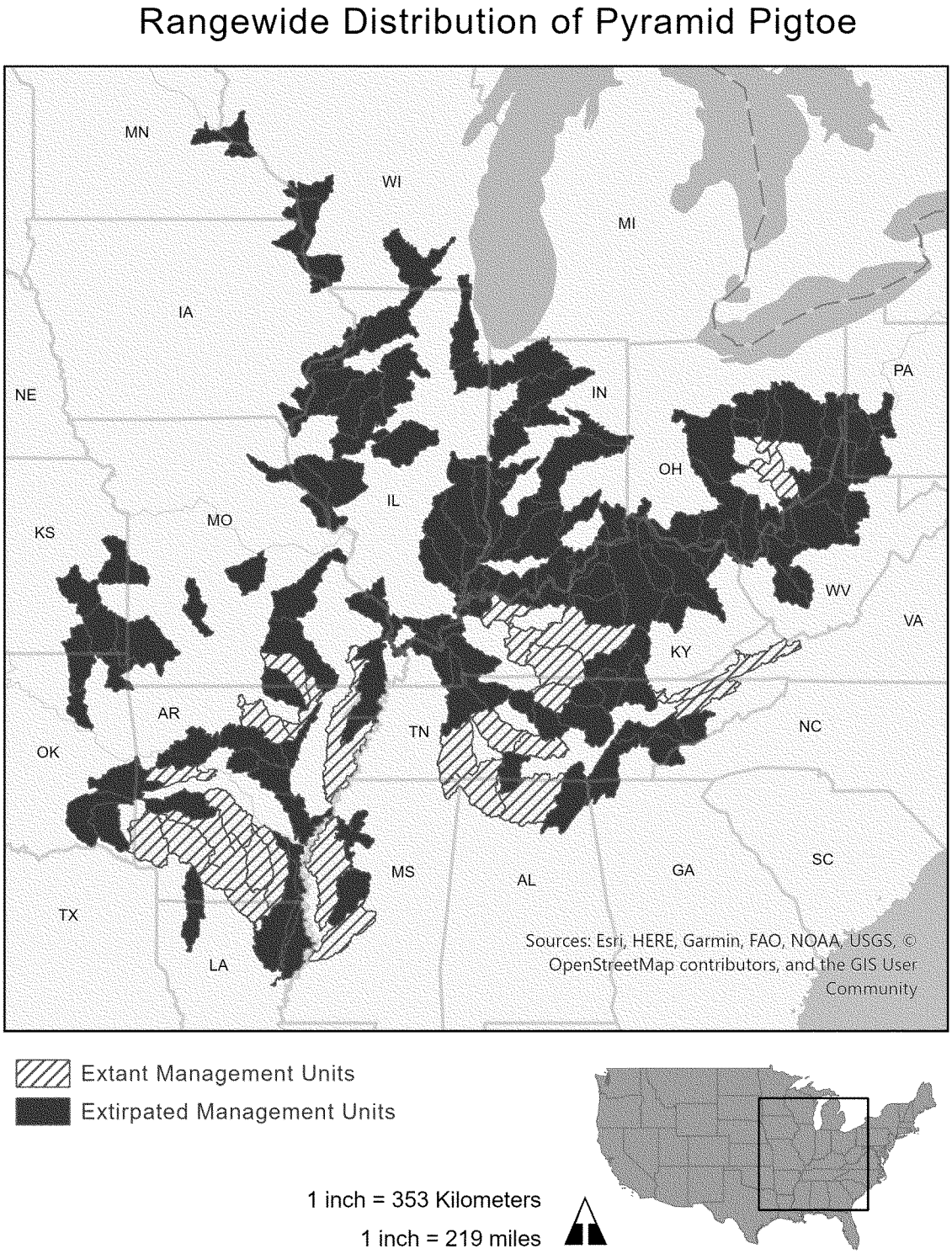

Figure 2. Extant and extirpated MUs (HUC–8) of pyramid pigtoe across its entire historical and current range.

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Future Conditions

In the SSA report, we forecast the pyramid pigtoe's response to plausible future scenarios of environmental conditions. The future scenarios project the range in magnitude and scope of threats into the future. Uncertainty is inherent in any risk assessment, so we must consider plausible conditions to make our determinations. When assessing the future, viability is not a specific state, but rather a continuous measure of the likelihood that the species will sustain populations over time.

The scenarios described in the SSA report represent two possible future conditions. Under scenario 1, the threat

levels remain unchanged (threats continue to act on the species at the current rate), whereas under scenario 2 the threat levels increase. Both scenarios project existing regulatory mechanisms and voluntary conservation measures benefiting the species remaining in place. We did not analyze a scenario whereby threat levels lessen because the primary threats that have fragmented and isolated populations will persist. Developed areas, large dams, and most of the small and retired dams affecting the species will remain in place.

We included climate change in our future scenarios as a factor that would add to the negative impacts of the primary threats on the species' habitat. Climate change is expected to alter the natural flow regime through increased drought and flooding worsening desiccation, scour, and sedimentation in each MU. However, in our analysis the influence of climate change, as a secondary threat, does not alter the projected future viability of any population or management unit. Those future outcomes are driven by the primary threats of habitat alteration or loss, nonnative invasive species, and the effects of small population size.

Using the scenarios, we project the pyramid pigtoe's viability over 20 to 30 years. We selected this duration because the species is slow growing and long-lived and has relatively low fecundity; long-term trend information on pyramid pigtoe abundance and threats is not available across the species' range to contribute to meaningful alternative timeframes.

Future resiliency of pyramid pigtoe populations depends on the extent to which the species' needs are met for water quality, flow, substrate suitability, abundance and distribution of host fish species, and habitat connectivity. We projected the expected future resiliency of each population based on how events likely to occur under each scenario would affect the species' resource needs. Future resiliency of each population is classified as high, medium, low, or very low. Where multiple populations occur within an MU, the MU condition is the average of the population condition classifications; however, there are no management units where the population classifications vary (*i.e.,* all populations within the MU have the same classification). These projections are informed by development planning documents, peer-reviewed literature, vetting of initial condition ranking by mussel experts, and our best professional judgment. Very low condition populations will become extirpated; low condition populations will become functionally extirpated (no recruitment); medium condition populations will exhibit limited recruitment and be linearly distributed and thus will have impaired ability to recover from disturbances and will be vulnerable to catastrophic events; and high condition populations will consistently recruit and be distributed over long distances and in connected mainstem and tributary river reaches (see SSA report for detailed future condition category definitions, Service 2021, pp. 84–85).

Our analysis shows that whether threats remain constant or increase into the future, all 35 populations are expected to experience negative changes to their important habitat requisites or resource needs, and the condition of many of the populations would decrease (Table 2). Under scenario 1, we expect 23 populations will be in low or very low condition and 9 in medium condition, with no to little resiliency, respectively. The remaining 3 populations occurring within the Saline or Upper Ouachita Rivers, where the impact of impoundments is not as severe as elsewhere in the species' range, are expected to maintain a high condition. Under scenario 2, we expect 31 populations to be either functionally extirpated (low condition) or extirpated (very low condition) and 4 to be in medium condition. With increasing threat levels, the population condition of the Saline and Upper Ouachita Rivers decline, and, thus, within 20 to 30 years no high condition populations remain.

TABLE 2—SUMMARY OF PYRAMID PIGTOE CURRENT MUSSEL POPULATION SIZE, EXTENT, THREAT LEVEL, AND PROJECTED FUTURE CONDITIONS. ONLY OVERALL CONDITION IS LISTED FOR FUTURE SCENARIOS

Management unit	Contiguous population (occupied river)	Population size	Population extent	Threat level	Current condition	Future condition	
						Scenario 1	Scenario 2
OHIO BASIN							
Muskingum	Muskingum River	Small	Small	High	Low	Very Low	Very Low.
Upper Green	Upper Green River	Large	Large	Low	High	Medium	Medium.
Barren	Barren River	Small	Small	Mod	Med	Medium	Low.
Middle Green	Middle Green River	Medium	Medium	Mod	Med	Medium	Low.
Lower Green	Lower Green River	Small	Small	Mod	Low	Low	Very Low.
Lower Cumberland-Old Hickory Lake.	Cumberland River (Old Hickory Reservoir) Cordell Hull Tailwater.	Medium	Small	High	Low	Very Low	Very Low.
TENNESSEE BASIN							
Holston	Holston River	Small	Small	High	Low	Very Low	Very Low.
Upper Clinch	Clinch River	Medium	Medium	Mod	Med	Low	Low.
Wheeler Lake	Paint Rock River	Small	Small	Mod	Low	Low	Very Low.
	Tennessee River (Wheeler Reservoir) Guntersville Tailwater.	Medium	Small	High	Low	Low	Very Low.
Pickwick Lake	Tennessee River (Pickwick Reservoir) Wilson Tailwater.	Medium	Medium	High	Low	Low	Low.
Lower Tennessee-Beech	Tennessee River (Kentucky Reservoir) Pickwick Tailwater.	Small	Small	High	Low	Low	Low.
Upper Duck	Upper Duck River	Large	Medium	Mod	Med	Medium	Low.
Lower Duck	Lower Duck River	Large	Small	Mod	Med	Low	Very Low.
ARKANSAS–WHITE–RED BASIN							
Petit Jean	Petit Jean River	Small	Small	Mod	Low	Low	Very Low.
Eleven Point	Eleven Point River	Small	Small	Low	Low	Low	Very Low.

TABLE 2—SUMMARY OF PYRAMID PIGTOE CURRENT MUSSEL POPULATION SIZE, EXTENT, THREAT LEVEL, AND PROJECTED FUTURE CONDITIONS. ONLY OVERALL CONDITION IS LISTED FOR FUTURE SCENARIOS—Continued

Management unit	Contiguous population (occupied river)	Population size	Population extent	Threat level	Current condition	Future condition	
						Scenario 1	Scenario 2
Lower Little	Little River	Medium	Small	Mod	Low	Low	Very Low.
LOWER MISSISSIPPI BASIN							
Lower Black	Lower Black River	Small	Small	Mod	Low	Low	Very Low.
Lower St. Francis	St. Francis River	Medium	Small	High	Med	Medium	Low.
	Tyronza River	Medium	Large	High	Med	Medium	Low.
Middle White	Middle White River	Small	Small	Mod	Low	Low	Very Low.
Upper Ouachita	Upper Ouachita River	Large	Large	Mod	High	High	Medium.
Little Missouri	Little Missouri River	Large	Medium	Mod	Med	Medium	Low.
Lower Ouachita-Smackover	Lower Ouachita River (Smackover).	Medium	Medium	Mod	Med	Medium	Low.
Upper Saline	Upper Saline River	Large	Large	Mod	High	High	Medium.
Lower Saline	Lower Saline River	Large	Large	High	High	High	Medium.
Bayou Bartholomew	Bayou Bartholomew	Large	Large	High	Med	Medium	Low.
Lower Ouachita-Bayou De Loutre.	Lower Ouachita River (Bayou De Loutre).	Medium	Medium	High	Low	Low	Low.
Big Sunflower	Hushpuckna River	Small	Small	High	Med	Low	Very Low.
	Bogue Phalia	Small	Small	High	Med	Low	Very Low.
	Little Sunflower River	Small	Small	High	Med	Low	Very Low.
	Sunflower River	Medium	Large	High	Med	Low	Very Low.
	Sandy Bayou	Small	Small	High	Med	Low	Very Low.
	Big Sunflower River	Medium	Large	High	Med	Low	Very Low.
Lower Big Black	Big Black River	Small	Small	High	Low	Very Low	Very Low.

The viability implications associated with the expected change in population conditions can be discerned at the MU and HUC–2 scales. Under scenario 1, we expect 3 MUs (11 percent) remain in high condition; 9 MUs (32 percent), in medium condition; 12 MUs (43 percent), in low condition; and 4 (14 percent), in very low condition. Therefore, the species' ability to withstand natural environmental variation and threats will be greatly limited. Loss of the three MUs reduces the species' distribution, increasing its risk to catastrophic events. The pyramid pigtoe will continue to be represented in the Ohio, Tennessee, and Lower Mississippi basins, but reduced to six States (as compared to the current nine States) occupied by the species. Representation will be lost from the Arkansas-White-Red basin, as all of its MUs are expected to be in low condition. It will take many years (potentially beyond the 20- to 30-year timeframe analyzed), for full evaluation of the species' response to any current beneficial actions, such as removal of Lock and Dam 6 on the Green River, or the safe harbor agreements and candidate conservation agreements with assurances in the Upper Ouachita and Upper Saline Rivers.

Under scenario 2, none of the MUs are expected to be in high condition, 4 (14 percent) are in medium condition, 11 (39 percent) are in low condition, and 13 (46 percent) are in very low condition. Given no MUs will be in high condition, the species' ability to withstand natural environmental variation and threats will be substantially limited. Redundancy will also be substantially reduced with no high condition MUs remaining and the expected loss of 13 (46 percent) MUs. Loss of the species from the Arkansas-White-Red basin, with no high condition MUs in any basin, and potential extirpation of the species from the States of Virginia, Ohio, Oklahoma, and Mississippi will substantially reduce the species' genetic diversity, thereby decreasing its ability to adapt to changing environmental conditions.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species. To assess the current and future condition of the species, we undertake an iterative analysis that encompasses and incorporates the threats individually and then accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Conservation Efforts and Regulatory Mechanisms

As discussed under *Threats,* Federal and State lands and water quality regulations afford the pyramid pigtoe and its habitats some protection from land development, industrial, and transportation activities. Additionally, laws intended to reduce the threat of nonnative species are in place. Many populations of the pyramid pigtoe were extirpated or reduced prior to development of modern conservation programs and regulatory mechanisms. As such, historical threats no longer present on the landscape impart a legacy effect (small population size or degraded habitat) on some current populations. Further, some water quality regulations have not been fully adopted or consistently applied across the species' range. Therefore, despite the existing regulatory mechanisms in place, the combined threats and impacts of actions that occurred prior to the implementation of these regulatory mechanisms continue to negatively affect the pyramid pigtoe.

Determination of Pyramid Pigtoe Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an endangered species as a species ''in

danger of extinction throughout all or a significant portion of its range'' and a threatened species as a species ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (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.

Status Throughout All of Its Range

Historically, the pyramid pigtoe occurred within 151 populations and 136 MUs, in 6 basins across 18 States (Figure 2). Currently, the species occurs within 35 populations and 28 MUs, in 4 basins across 9 States, which represents a 77 percent reduction of its historically occupied populations. Of the extant MUs, 4 are highly resilient, while 9 and 15 have medium and low resiliency, respectively. The threats leading to its current condition include past and ongoing habitat degradation or loss (Factor A), residual impacts from past harvest and overutilization (Factor B), and ongoing competition, predation, and habitat alteration from invasive, nonnative species (Factor E). Collectively, these threats reduce population abundance, thereby precipitating negative genetic and demographic effects associated with small population size (Factor E) within some of the smaller populations. Although downtrends from historical numbers are evident and declines are likely to continue, four high resilient MUs are distributed across two of the four occupied major river basins. These four MUs provide for current representation and redundancy of the species. Thus, after assessing the best available information, we conclude that the pyramid pigtoe is not in danger of extinction throughout all of its range. We, therefore, proceed with determining whether the pyramid pigtoe is likely to become endangered within the foreseeable future throughout all of its range.

The best available information suggests that the threats currently acting upon the pyramid pigtoe will continue into the foreseeable future. In areas experiencing human population and land development growth, these threats (*e.g.,* water quality and habitat degradation) are reasonably expected to increase over time, further reducing the species' resiliency, redundancy, and representation. Our foreseeable future (20 to 30 years) reflects the period of time over which we can reliably predict both the threats to the pyramid pigtoe and the pyramid pigtoe's response to those threats based on the best available information. Within the foreseeable future, even if threats were to remain at current levels and not increase, 23 of the 35 populations are projected to become extirpated or functionally extirpated (Table 2). Additionally, with no change in threat levels, the condition of one of the four high resilient populations will decline to medium resiliency and the remaining three high resilient populations would be confined to a single basin. At the MU scale, only 3 of the 28 extant MUs remain in high condition, with 17 MUs projected to become extirpated or functionally extirpated within 20 to 30 years. If threats increase, 19 populations will likely be extirpated within 20 to 30 years, leading to only 4 MUs persisting. These MUs will have limited recruitment potential and restricted distribution, thus impairing the species' ability to recover from disturbances and increasing its vulnerability to catastrophic events. In summary, threats currently acting on the species are likely to persist or increase in the foreseeable future, resulting in zero to three high resilient populations in one of its six historical major basins and resulting in a high risk of impacts from a single catastrophe or stochastic events. Thus, after assessing the best available information, we conclude that the pyramid pigtoe is likely to become in danger of extinction within the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity* v. *Everson,* 2020 WL 437289 (D.D.C. Jan. 28, 2020) (*Center for Biological Diversity*), vacated the aspect of the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578; July 1, 2014) that provided that the Service does not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range. Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant and (2) the species is in danger of extinction in that portion. Depending on the case, it might be more efficient for us to address the ''significance'' question or the ''status'' question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Center for Biological Diversity,* we now consider whether there are any significant portions of the species' range where the species is in danger of extinction now (*i.e.,* endangered). In undertaking this analysis for the pyramid pigtoe, we choose to address the status question first—we consider information pertaining to the geographic distribution of both the species and the threats that the species faces to identify any portions of the range where the species is endangered.

For the pyramid pigtoe, we considered whether the threats are geographically concentrated in any portion of the species' range at a biologically meaningful scale. We examined the following threats: Habitat degradation or loss, invasive and nonnative species, and negative effects associated with small population size, including cumulative effects. Habitat degradation or loss, including diminished water quality, is a threat in all four basins occupied by the pyramid pigtoe, although the contribution by source (*e.g.,* agriculture, urbanization, mining, dredging) varies. Invasive or nonnative species also is a threat in each occupied basin. Lastly, large populations (number of individuals) occur in three of the four basins, and medium populations occur in all four basins.

We examined the Arkansas-White-Red basin (the only basin not containing any large populations) to determine if there is a concentration of threats because, of the three populations in the basin, two have a moderate threat level and one has a low threat level. All three of these populations are in a low current condition, and two of the three populations have small numbers of individuals. Thus, the cumulative effects of small population size with the other identified threats may be concentrated in this basin.

We then evaluated whether the Arkansas-White-Red basin may be biologically important to the overall species' viability, *i.e.,* significant. This basin contains 3 of the 35 (8.6 percent) pyramid pigtoe populations. By length of river, the populations combined occupy about 5 percent of the species' range. Therefore, the populations in the Arkansas-White-Red basin minimally contribute to the overall viability of the species.

The pyramid pigtoe occurs in similar habitats across the four basins it occupies and does not use unique observable environmental characteristics attributable to any of the basins. The Arkansas-White-Red basin populations occur in stream habitat with substrate types and water quality similar to the other basins where the pyramid pigtoe performs the important life-history functions of breeding, feeding, and sheltering. The basin does not act as a refugium for the species or as an important spawning ground. In addition, the water quality is similar throughout the species' range, with impaired water quality occurring in all four basins. Because the pyramid pigtoe occurs in similar aquatic habitats, the Arkansas-White-Red basin population exhibits similar habitat use as populations in the remainder of the range.

Overall, we found no substantial information that would indicate the Arkansas-White-Red basin is a portion of the range that may be significant in terms of its overall contribution to the species' resiliency, redundancy, and representation, or that it is significant in terms of high-quality habitat or habitat that is otherwise important for the species' life history. Additionally, within each of the other three basins (or portions of the range) there was no concentration of threats that would indicate the species is facing elevated threats in those portions. As a result, we determined there is no portion of the pyramid pigtoe's range that constitutes a significant portion of the range where the species is currently endangered. Accordingly, we determine that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This is consistent with the courts' holdings in *Desert Survivors* v. *Department of the Interior,* No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity* v. *Jewell,* 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best available scientific and commercial information indicates that the pyramid pigtoe meets the definition of a threatened species. Therefore, we propose to list the pyramid pigtoe as a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning consists of preparing draft and final recovery plans, beginning with the development of a recovery outline and making it available to the public following a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (''downlisting'') or removal from protected status (''delisting''), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (*http://www.fws.gov/endangered*), or from our Asheville Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, and Virginia would be eligible for Federal funds to implement management actions that promote the protection or recovery of the pyramid pigtoe. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Although the pyramid pigtoe is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part

402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference, consultation, or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by the following:

(1) U.S. Army Corps of Engineers (channel dredging and maintenance; dam projects including flood control, navigation, hydropower, bridge projects, stream restoration, and Clean Water Act permitting).

(2) U.S. Department of Agriculture, including the Natural Resources Conservation Service and Farm Service Agency (technical and financial assistance for projects) and the Forest Service (aquatic habitat restoration, fire management plans, fire suppression, fuel reduction treatments, forest plans, mining permits).

(3) U.S. Department of Energy (renewable and alternative energy projects).

(4) Federal Energy Regulatory Commission (interstate pipeline construction and maintenance, dam relicensing, and hydrokinetics).

(5) U.S. Department of Transportation (highway and bridge construction and maintenance).

(6) U.S. Fish and Wildlife Service (issuance of section 10 permits for enhancement of survival, habitat conservation plans, and safe harbor agreements; National Wildlife Refuge planning and refuge activities; Partners for Fish and Wildlife program projects benefiting these species or other listed species; Wildlife and Sportfish Restoration program sportfish stocking).

(7) Environmental Protection Agency (water quality criteria, permitting).

(8) Tennessee Valley Authority (flood control, navigation, hydropower, and land management for the Tennessee River system).

(9) Office of Surface Mining Reclamation and Enforcement (land resource management plans, mining permits, oil and natural gas permits, abandoned mine land projects, and renewable energy development).

(10) National Park Service (aquatic habitat restoration, fire management plans, fire suppression, fuel reduction treatments, land management plans, mining permits).

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing. The discussion below regarding protective regulations under section 4(d) of the Act complies with our policy.

II. Proposed Rule Issued Under Section 4(d) of the Act

Background

Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of species listed as threatened. The U.S. Supreme Court has noted that statutory language like ''necessary and advisable'' demonstrates a large degree of deference to the agency (see *Webster* v. *Doe,* 486 U.S. 592 (1988)). Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. Thus, the combination of the two sentences of section 4(d) provides the Secretary with wide latitude of discretion to select and promulgate appropriate regulations tailored to the specific conservation needs of the threatened species. The second sentence grants particularly broad discretion to the Service when adopting the prohibitions under section 9.

The courts have recognized the extent of the Secretary's discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld rules developed under section 4(d) as a valid exercise of agency authority where they prohibited take of threatened wildlife, or include a limited taking prohibition (see *Alsea Valley Alliance* v. *Lautenbacher,* 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council* v. *National Marine Fisheries Service,* 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana* v. *Verity,* 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, ''once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species'' (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Exercising this authority under section 4(d), we have developed a proposed rule that is designed to address the pyramid pigtoe's conservation needs. Although the statute does not require us to make a ''necessary and advisable'' finding with respect to the adoption of specific prohibitions under section 9, we find that this rule as a whole satisfies the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the pyramid pigtoe.

As discussed above under Summary of Biological Status and Threats, we have concluded that the pyramid pigtoe is likely to become in danger of extinction within the foreseeable future primarily due to declines in water quality, alteration and deterioration of instream habitats, fragmentation and isolation of populations, and nonnative species. These threats, which are expected to be exacerbated by continued urbanization and land development, were central to our assessment of the future viability of the pyramid pigtoe. The provisions of this proposed 4(d) rule would promote conservation of the pyramid pigtoe by encouraging management of the landscape in ways that meet the conservation needs of the pyramid pigtoe and are consistent with land management considerations. The provisions of this proposed rule are one of many tools that we would use to promote the conservation of the pyramid pigtoe. This proposed 4(d) rule would apply only if and when we make final the listing of the pyramid pigtoe as a threatened species.

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund,

authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit or that involve some other Federal action such as funding, like those listed above under Available Conservation Measures. Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation.

This obligation does not change in any way for a threatened species with a species-specific 4(d) rule. Actions that a Federal agency determines ''may affect'' listed species or critical habitat continue to require consultation and actions that are ''likely to adversely affect'' a species require formal consultation and the formulation of a biological opinion.

Provisions of the Proposed 4(d) Rule

This proposed 4(d) rule would provide for the conservation of the pyramid pigtoe by prohibiting the following activities, except as otherwise authorized or permitted: Importing or exporting; take; possession and other acts with unlawfully taken specimens; delivering, receiving, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce.

As discussed above under Summary of Biological Status and Threats, multiple factors are affecting the status of the pyramid pigtoe. A range of activities have the potential to affect the pyramid pigtoe, including declines in water quality, alteration and deterioration of instream habitats, fragmentation and isolation of populations, and nonnative species. These threats, which are expected to continue due to land development for urbanization, agriculture, and resource extraction, channel navigation, and dam operations were central to our assessment of the future viability of the pyramid pigtoe. Therefore, we prohibit actions resulting in the incidental take of the pyramid pigtoe by altering or degrading its habitat.

Under the Act, ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulations at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating incidental and/or intentional take would help preserve the species' remaining populations, slow their rate of decline, and decrease synergistic, negative effects from other stressors.

We may issue permits to carry out otherwise prohibited activities, including those described above, involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

The proposed 4(d) rule would also provide for the conservation of the species by allowing exceptions for take associated with actions and activities that, while they may have some minimal level of disturbance to pyramid pigtoe, are not expected to negatively impact conservation and recovery efforts for the species. The proposed exceptions to these prohibitions include incidental take associated with (1) conservation efforts by the Service or State wildlife agencies, (2) channel restoration projects, (3) bank restoration projects, and (4) take necessary to aid a sick or injured specimen, or to salvage a dead specimen.

The first exception is for conservation and restoration efforts for pyramid pigtoe by the Service or State wildlife agencies, and including, but not limited to, collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into unoccupied areas within the historical range of the species. We recognize the special and unique relationship with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist the Service in implementing all aspects of the Act. In this regard, section 6 of the Act provides that the Service shall cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, would be able to conduct activities designed to conserve the pyramid pigtoe that may result in otherwise prohibited take without additional authorization.

The second and third exceptions are for channel and bank restoration projects for creation of natural, physically stable, ecologically functioning streams, taking into consideration connectivity with floodplain and groundwater aquifers. These exceptions include a requirement that bank restoration projects require planting appropriate native vegetation, including woody species appropriate for the region and habitat. We also propose language that would require surveys and relocation prior to commencement of restoration actions for pyramid pigtoe that would otherwise be negatively affected by the actions. We reiterate that these actions and activities may have some minimal level of take of pyramid pigtoe, but any such take is expected to be rare and insignificant and is not expected to negatively impact conservation and recovery efforts. Rather, we expect they would have a net beneficial effect on the species. Across the species' range, instream habitats have been degraded physically by sedimentation and by direct and indirect channel disturbance. The habitat restoration activities in the proposed 4(d) rule are intended to improve habitat conditions for the species in the long term.

Finally, the proposed 4(d) rule would allow take of pyramid pigtoe without a permit by any employee or agent of the Service or a State conservation agency designated by the agency for such purposes and when acting in the course of their official duties if such action is necessary to aid a sick or injured specimen, or to salvage a dead specimen which may be useful for scientific study. In addition, Federal and State wildlife law enforcement officers,

working in coordination with Service field office personnel, may possess, deliver, carry, transport, or ship pyramid pigtoe taken in violation of the Act as necessary.

Nothing in this proposed 4(d) rule would change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability of the Service to enter into partnerships for the management and protection of the pyramid pigtoe. However, interagency cooperation may be further streamlined through planned programmatic consultations for the species between Federal agencies and the Service, where appropriate. We ask the public, particularly State agencies and other interested stakeholders that may be affected by the proposed 4(d) rule, to provide comments and suggestions regarding additional guidance and methods that the Service could provide or use, respectively, to streamline the implementation of this proposed 4(d) rule (see Information Requested, above).

III. Critical Habitat

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations (50 CFR 424.12(a)(1)) state that the Secretary may, but is not required to, determine that a designation would not be prudent in the following circumstances:

(i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;

(ii) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;

(iii) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States;

(iv) No areas meet the definition of critical habitat; or

(v) The Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available.

As discussed earlier in this document, there is currently no imminent threat of collection or vandalism identified under Factor B for this species, and identification and mapping of critical habitat is not expected to initiate any such threat. In our SSA and proposed listing determination for the pyramid pigtoe, we determined that the present or threatened destruction, modification, or curtailment of habitat or range is a threat to the pyramid pigtoe and that those threats in some way can be addressed by section 7(a)(2) consultation measures. The species occurs wholly in the jurisdiction of the United States, and we are able to identify areas that meet the definition of critical habitat. Therefore, because none of the circumstances enumerated in our regulations at 50 CFR 424.12(a)(1) have been met and because there are no other circumstances the Secretary has identified for which this designation of critical habitat would be not prudent, we have determined that the designation of critical habitat is prudent for the pyramid pigtoe.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we consider whether critical habitat for the pyramid pigtoe is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist:

(i) Data sufficient to perform required analyses are lacking, or

(ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of ''critical habitat.''

For the pyramid pigtoe, the species' needs are sufficiently well known. However, there is some uncertainty regarding the taxonomic identity of populations outside the Ohio, Cumberland, and Tennessee River basins (see **Background**), which is currently under investigation using different genetic markers than assessed thus far. Results of this taxonomic investigation, which may more accurately delineate the species' occupied range, are likely to be completed and submitted to a peer-reviewed journal within 1 year. In addition to this taxonomic investigation that may better determine critical habitat areas, a careful assessment of the economic impacts that may occur due to a critical habitat designation is ongoing, and we are in the process of acquiring the necessary information to perform that assessment. Because the information sufficient to perform a required analysis of the impacts of the designation is lacking, we find designation of critical habitat for the pyramid pigtoe to be not determinable at this time. The Act allows the Service an additional year to publish a critical habitat designation that is not determinable at the time of listing (16 U.S.C. 1533(b)(6)(C)(ii)).

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 *et seq.*)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit *(Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal

Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. There are no Tribal lands within or adjacent to known pyramid pigtoe occupied habitat. We will coordinate with Tribes whose lands are close to pyramid pigtoe populations.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *http://www.regulations.gov* and upon request from the Asheville Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Asheville Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by adding an entry for ''Pigtoe, pyramid'' to the List of Endangered and Threatened Wildlife in alphabetical order under Clams to read as set forth below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	* * *
CLAMS				
*	*	*	*	* * *
Pigtoe, pyramid ..	*Pleurobema rubrum.*	Wherever found ..	T	[**Federal Register** citation when published as a final rule]; 50 CFR 17.45(e); [4d].
*	*	*	*	* * *

■ 3. As proposed to be added at 83 FR 51570 (Oct. 11, 2018), and amended at 85 FR 44821 (July 24, 2020), 85 FR 59487 (Sept. 22, 2020), 85 FR 61384 (Sept. 29, 2020), and 86 FR 47916 (August 26, 2021), § 17.45 is further amended by adding paragraph (e) to read as follows:

§ 17.45 Special rules—snails and clams.

* * * * *

(e) Pyramid pigtoe *(Pleurobema rubrum).*

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the pyramid pigtoe. Except as provided under paragraph (e)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(3) and (4) for endangered wildlife.

(iii) Take as set forth at § 17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems). These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; connection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. Streams reconstructed in this way would offer suitable habitats for the pyramid pigtoe and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species and its host fish for spawning, rearing, growth, feeding, migration, and other normal behaviors. Prior to commencement of restoration actions, surveys to determine presence of the pyramid pigtoe must be performed, and, if any pyramid pigtoe are located, in coordination with the local Service field office, they must be relocated prior to project implementation and monitored post-implementation. To qualify under this exemption, a channel restoration project must satisfy all Federal, State, and local permitting requirements.

(B) Bank restoration projects that use bioengineering methods to replace preexisting, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted

or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Bank restoration projects would require planting appropriate native vegetation, including woody species appropriate for the region and habitat. These methods will not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures. Prior to commencement of bank stabilization actions, surveys to determine presence of pyramid pigtoe must be performed, and, if any pyramid pigtoe are located, in coordination with the local Service field office, they must be relocated prior to project implementation and monitored post-implementation. To qualify under this exemption, a bank restoration project must satisfy all Federal, State, and local permitting requirements.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–19091 Filed 9–3–21; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 86, No. 170

Tuesday, September 7, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 17, 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: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on 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 October 7, 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 (NASS)

Title: Beef Management, Marketing, And Biosecurity Surveys In Illinois & Oklahoma—2021.

OMB Control Number: 0535–0264.

Summary of Collection: The primary objectives of the National Agricultural Statistics Service (NASS) are to prepare and issue official State and national estimates of crop and livestock production, disposition and prices, economic statistics, and environmental statistics related to agriculture and to conduct the Census of Agriculture and its follow-on surveys. NASS will conduct a survey of beef cattle operators in Oklahoma and Illinois. These surveys are being conducted under cooperative agreements with the Oklahoma State University (OSU) and the University of Illinois at Urbana-Champaign (UIUC) on a full cost recovery basis.

Selected farmers in Oklahoma will be asked to provide data on:

Oklahoma Beef Management & Marketing Survey

- Characteristics of the cattle operation,
- Current management and marketing practices,
- Calf management and marketing practices,
- Sources of information, and
- Characteristics of the cattle producer.

Oklahoma Biosecurity Practices Survey

- Characteristics of the cattle operation,
- Current herd management practices,
- Biosecurity practices and animal movement,
- Disease knowledge, and
- Characteristics of the cattle producer.

For the Illinois Biosecurity Practices Survey, selected farmers in Illinois will be asked to provide data on:

- Characteristics of the cattle producer & operation,
- Disease prevention measures,
- Animal health management practices,
- Farm and animal management practices, and
- Disease risk perceptions and knowledge.

General authority for these data collection activities is granted under U.S.C. title 7, section 2204. This project is conducted as a cooperative effort with the Hawaii Department of Agriculture. Funding for this survey is being provided by the Hawaii Department of Agriculture.

Need and Use of the Information: For Beef Management and Marketing Survey, OSU, as well as many farmers and ranchers in Oklahoma, have been interested in keeping informed of current trends and practices within the cattle industry. The primary use of this data will be for OSU research and extension and USDA APHIS to better understand the animal movement, producers' knowledge base and concerns, and support continuous research on the cattle industry and develop more effective extension programs for cattle producers.

The OK and IL Biosecurity Surveys address the fact that producers are encouraged to have a biosecurity plan in place for their herd. To assist UIUC, OSU and other State and Federal agencies on guiding producers through those plans, it is important that this source of information is unbiased and relevant to the industry in their area. Current information sources are limited and rarely localized. The primary use of this data will be for UIUC and OSU research and extension and USDA APHIS to better understand the animal movement, producers' knowledge base and concerns, and support continuous research on the cattle industry and develop more effective extension programs for cattle producers in their respective States.

Description of Respondents: A sample of all active agricultural operations with beef cattle in Illinois and Oklahoma.

Number of Respondents: 14,000.

Frequency of Responses: Reporting: Once a year.

Total Burden Hours: 5,223.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–19363 Filed 9–3–21; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS 2020–0031]

Mandatory Inspection of Egg Substitutes and Freeze-Dried Egg Products Imported Into the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: On October 29, 2020, the Food Safety and Inspection Service (FSIS) published the final rule, ''Egg Products Inspection Regulations,'' which, among other things, announced that FSIS would begin exercising jurisdiction over plants that produce egg substitutes and freeze-dried egg products on October 30, 2023. This notice provides information to foreign countries that already export these products to the United States, as well as countries interested in exporting these products to the United States, about submitting their equivalence documentation to FSIS so that the Agency can begin assessing their eligibility before October 30, 2023.

DATES: Foreign countries currently exporting egg substitutes and/or freeze-dried egg products to the U.S. without an egg products inspection system equivalence determination by FSIS, as well as foreign countries not exporting that are interested in exporting such products to the United States under FSIS jurisdiction:

- Must notify FSIS of their intention to export egg substitutes and freeze-dried egg products to the United States (Phase 1) by October 30, 2021.
- Must submit a complete Self-Reporting Tool (SRT), including supporting documentation that demonstrates how a country's egg products inspection system achieves an equivalent level of public health protection to FSIS' egg products inspection system (Phase 2), by April 30, 2022.
- Must have submitted complete SRT responses and supporting documentation to FSIS, and FSIS must have determined that the SRT submission demonstrates that the country maintains an equivalent documented egg products inspection system to FSIS' egg products inspection system (Phase 3) by October 30, 2023.

Foreign countries that currently maintain equivalent egg products inspection systems to FSIS' inspection system for egg products inspection (*i.e.,* Canada and the Netherlands) must submit an updated certified establishment list to include egg substitutes and/or freeze-dried egg products product groups by October 1, 2023, if these countries are currently exporting these products or wish to begin exporting them to the United States after October 30, 2023.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, telephone (202) 205–0495.

SUPPLEMENTARY INFORMATION: By October 30, 2023, foreign countries that already export egg substitutes and freeze-dried egg products to the United States and wish to continue doing so must have submitted their equivalence documentation to FSIS, and FSIS must have determined that the country maintains an equivalent documented egg products inspection system to FSIS' egg products inspection system. If a country does not submit the required documentation or FSIS has determined that the country does not maintain an equivalent documented egg products inspection system, the foreign country will not be eligible to export egg substitutes and freeze-dried egg products to the U.S. after October 30, 2023. Foreign countries not exporting egg substitutes and freeze-dried egg products that are interested in exporting such products to the United States under FSIS jurisdiction will not be able to begin exporting them until October 30,2023, after FSIS has determined that the country maintains an equivalent documented egg products inspection system.

On October 30, 2023, egg substitutes and freeze-dried egg products will no longer be regulated by the U.S. Food and Drug Administration (FDA) but instead by FSIS, as they will be recognized as egg products under FSIS' jurisdiction, and FSIS will begin to enforce its regulations regarding the inspection of domestically produced and imported egg substitutes and freeze-dried egg products (85 FR 68640).

Egg substitutes are similar in formulation, if not identical in some cases, to egg products. Their processing also is like other egg products. The contamination risks associated with these types of products also are identical. For these reasons, FSIS determined that the processing of egg substitutes must take place within the framework of FSIS' Hazard Analysis and Critical Control Point System and Sanitation Standard Operating Procedures framework. Similarly, the food safety risks associated with freeze-dried egg products are like those associated with frozen egg products, as freeze-dried egg products are pasteurized liquid egg products flash frozen and placed in a vacuum chamber where ice particles are removed.

Foreign countries exporting egg substitutes and freeze-dried egg products to the United States, or countries interested in doing so, will need to demonstrate that their documented egg products inspection systems are equivalent to the U.S. system. Foreign countries already exporting egg substitute and freeze-dried egg products to the U.S. may continue to export these products, provided they actively work with FSIS while seeking an initial equivalence determination from the Agency. If they do not submit the required documentation, they will have to stop shipping such products to the United States. The FSIS equivalency process is described fully on the FSIS website at: *https://www.fsis.usda.gov/inspection/import-export/equivalence.*

Under 9 CFR 590.910(a), whenever it is determined by the Administrator that the system of egg products inspection maintained by any foreign country is such that the egg products produced in such country are processed, labeled, and packaged in accordance with, and otherwise comply with, the standards of the Act and the regulations including, but not limited to the sanitary, processing, facility, and Government inspection requirements in 9 CFR 590.500 through 590.590, notice of that fact will be given according to 9 CFR 590.910(b).

In determining whether a foreign country maintains an equivalent egg products food safety inspection system, the Administrator will review the inspection regulations of the foreign country to determine how the inspection systems are administered in the foreign country. After approval of the inspection system, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the foreign inspection system to determine whether it is implemented in a manner equivalent to the U.S. inspection system.

Once FSIS has determined that a foreign country maintains an equivalent egg products food safety inspection system and is eligible to export egg products to the United States, only establishments that the country's central competent authority (CCA) has certified as complying with the requirements equivalent to U.S. requirements would be eligible to export egg substitutes and freeze-dried egg products to the United States. To ensure that all foreign countries that export, or wish to export, egg substitutes or freeze-dried egg products to the U.S., FSIS is implementing a three-phase plan to assist countries in demonstrating that

their documented egg products inspection systems are equivalent to the U.S. system.

During Phase 1, foreign countries that are currently exporting egg substitutes or freeze-dried egg products to the U.S. and do not currently maintain an equivalence determination by FSIS or foreign countries that are interested in exporting such products to the U.S. under FSIS jurisdiction should notify FSIS by October 30, 2021, of their desire to seek an initial equivalence determination for these products. Foreign countries should submit an official notification by email to FSIS' Office of International Coordination at *InternationalCoordination@usda.gov*. Foreign countries already exporting such products to the United States will be permitted to continue to export these products while seeking an initial equivalence determination from FSIS. In response, FSIS will provide information on how to report necessary information to FSIS through the SRT, which is a questionnaire used by FSIS to assess whether a country maintains an equivalent documented food safety inspection system.

During Phase 2, foreign countries are requested to submit a complete SRT, including supporting documentation that demonstrates how a country's egg products inspection system achieves an equivalent level of public health protection to FSIS' egg products inspection system, no later than April 30, 2022. FSIS will review the SRT responses and supporting documentation to determine whether additional information is needed from the country. If additional information is needed, FSIS will follow-up with the appropriate CCAs to request additional information. Also, during Phase 2, between April 30, 2022, and April 30, 2023, foreign countries should address any requests for additional information from FSIS and provide updated SRT responses and supporting documentation. During Phases 1 and 2, FSIS will review the SRT submissions and may ask foreign countries for additional information, as needed.

During Phase 3, from April 30 to October 30, 2023, FSIS will continue to review and assess SRT responses and request additional information, if necessary. By the end of Phase 3, October 30, 2023, foreign countries that wish to continue exporting egg substitutes and freeze-dried egg products to the U.S. must have submitted complete SRT responses and supporting documentation to FSIS, and FSIS must have determined that the SRT submission demonstrates that the country maintains an equivalent documented egg products inspection system to FSIS' egg products inspection system. If the country does not submit the required documentation or FSIS has determined that the country does not maintain an equivalent documented egg products inspection system, the foreign country will not be eligible to export egg substitutes and freeze-dried egg products to the U.S. after October 30, 2023.

Based on its review of the information and documentation that the country submits, FSIS will tentatively decide whether the foreign country's egg products inspection system and requirements are equivalent to FSIS', and if so, plan an onsite audit of the country's egg products inspection system. If FSIS also tentatively finds the foreign country's egg products inspection system equivalent based on the audit, FSIS will advance the equivalence determination through the **Federal Register** notice process announcing the results of the document review and onsite audit, proposing to add the country to its list of eligible exporting countries, and providing an opportunity for public comment. After analysis of public comments, FSIS will publish a **Federal Register** notice announcing its determination on the country's eligibility and responding to comments.

If a country currently maintains an equivalence determination from FSIS for their egg products inspection system, FSIS will request an updated certified establishment list by October 1, 2023, to include these product groups so that countries can continue to export these products to the United States after October 30, 2023. These countries are also required to meet all other requirements of the Egg Products Final Rule.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS website located at: *http://www.fsis.usda.gov/federal-register.* FSIS will also announce and provide a link to it through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Constituent Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Nondiscrimination 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; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov*.

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Paul Kiecker,

Administrator.

[FR Doc. 2021–19264 Filed 9–3–21; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–21–BUSINESS–0028]

Notice of Solicitation of Applications for Inviting Applications for the Rural Economic Development Loan and Grant Programs for Fiscal Year 2022

AGENCY: Rural Business-Cooperative Service, USDA (Agency).

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (Agency), an agency of the United States Department of Agriculture (USDA) invites applications for loans and grants under the Rural Economic Development Loan and Grant Programs (REDLG or Programs) for fiscal year (FY) 2022, subject to the availability of funding. This notice is being issued to allow applicants sufficient time to leverage financing, prepare and submit their applications, and give the Agency time to process applications within FY 2022. Successful applications will be selected by the Agency for funding and subsequently awarded to the extent that funding may ultimately be made available through appropriations. An announcement on the Agency website at *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* will identify the amount received in the FY 22 appropriations.

DATES: The deadlines for completed applications to be received in the USDA Rural Development State Office for quarterly funding competitions are no later than 4:30 p.m. (local time) on: First Quarter, September 30, 2021; Second Quarter, December 31, 2021; Third Quarter, March 31, 2022 and Fourth Quarter, June 30, 2022.

The application dates and times are firm. The Agency will not consider any application received after the deadline for funding competition in that fiscal quarter.

Applicants intending to mail applications must allow sufficient time to permit deliver on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery.

Facsimile (FAX) or postage due applications will not be accepted.

ADDRESSES: Applications must be submitted to the USDA Rural Development State Office for the state where the project is located. Applications may be submitted in paper or electronic format to the appropriate Rural Development State Office and must be received by 4:30 p.m. local time on the deadline date(s). Applicants are encouraged to contact their respective State Office for an email contact to submit an electronic application prior to the submission deadline date(s). A list of the USDA Rural Development State Office contacts can be found at: *https://www.rd.usda.gov/contact-us/state-offices.* This notice will also be announced at: *https://grants.gov.*

FOR FURTHER INFORMATION CONTACT: Cindy Mason at *cindy.mason@usda.gov,* Program Management Division, Business Programs, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Stop 3226, Room 5160-South, Washington, DC 20250–3226, or call (202) 720–1400. For further information on this notice, please contact the USDA Rural Development State Office in the State in which the applicant's headquarters is located. A list of Rural Development State Office contacts is provided at the following link: *https://www.rd.usda.gov/contact-us/state-offices.*

SUPPLEMENTARY INFORMATION: The Agency encourages applicants to consider projects that will advance the key priorities below:

- Assisting Rural communities recover economically from the impacts of the COVID–19 pandemic, particularly disadvantaged communities.
- Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects.
- Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

The Agency advises all interested parties that the applicant bears the burden in preparing and submitting an application in response to this notice whether or not funding is appropriated for these programs in FY 2022.

If the proposal involves new construction; large increases in employment; hazardous waste; a change in use, size, capacity, purpose, or location from an original facility; or is publicly controversial, the following is required: environmental documentation in accordance with 7 CFR part 1970; financial and statistical information; and written project description.

National Environmental Policy Act

All recipients under this notice are subject to the requirements of 7 CFR 1970, available at: *https://rd.usda.gov/resources/environmental-studies/environmental-guidance.*

Intergovernmental Review

This program is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. Rural Development conducts intergovernmental consultation as implemented with 2 CFR part 415, subpart C. Not all States have chosen to participate in the intergovernmental review process. A list of participating States is available at the following website: *https://www.whitehouse.gov/omb/management/office-federal-financial-management/.*

Overview

Solicitation Opportunity Type: Rural Economic Development Loan and Grants.

Announcement Type: Initial Solicitation Announcement.

Catalog of Federal Domestic Assistance Number: 10.854.

Dates: The deadlines for complete applications to be received in the USDA Rural Development State Office for quarterly funding competitions are no later than 4:30 p.m. (local time) on: First Quarter, September 30, 2021; Second Quarter, December 31, 2021; Third Quarter, March 31, 2022 and Fourth Quarter, June 30, 2022.

Persistent poverty counties:

The Further Consolidated Appropriations Act, 2020, SEC. 740 designates funding for projects in persistent poverty counties. Persistent poverty counties as defined in SEC. 740 is ''any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States''. Another provision in SEC. 740 expands the eligible population in persistent poverty counties to include any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent. This provision expands the current 50,000 population limit to 55,000 for only county seats located in persistent poverty counties. Therefore, applicants and/or beneficiaries of technical assistance services located in persistent poverty county seats with populations up to 55,000 (per the 2010 Census) are eligible.

I. Program Description

A. Purpose of the Program

The Rural Economic Development Loan (REDL) and Grant (REDG) Programs (REDLG or Program(s)) provide financing to eligible Rural Utilities Service (RUS) electric or telecommunications borrowers (Intermediaries) to promote rural economic development and job creation projects. Assistance provided to rural areas, as defined, under this program may include business startup costs, business expansion, business incubators, technical assistance feasibility studies, advanced telecommunications services and computer networks for medical, educational, and job training services, and Community Facilities, as defined at 7 CFR 4280.3, projects for economic development.

B. Statutory Authority

These Programs are authorized under 7 U.S.C. 940c–2 and 7 CFR part 4280, subpart A.

C. Definition of Terms

The definitions applicable to this notice are published at 7 CFR 4280.3.

D. Application Awards

The Agency will review, evaluate, and score applications received in response to this notice based on the provisions found in 7 CFR part 4280, subpart A, and as indicated in this notice.

II. Federal Award Information

Type of Awards: Loans and Grants.

Fiscal Year Funds: FY 2022.

Available Funds: Anyone interested in submitting an application for funding under these Programs are encouraged to consult the Rural Development Notices of Solicitation of Applications website at *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas.*

Maximum Award: The Agency anticipates the following maximum amounts per award: Loans—$1,500,000; Grants—$300,000.

Anticipated Award Dates: First Quarter, November 30, 2021; Second Quarter, February 28, 2022; Third Quarter, May 31, 2022; and Fourth Quarter, August 31, 2022.

Performance Period: December 1, 2021, through September 30, 2023.

Renewal or Supplemental Awards: None.

III. Eligibility Information

A. Eligible Applicants

Loans and grants may be made to any entity that is identified by USDA Rural Development as an eligible borrower under the Rural Electrification Act of 1936, as amended (Act). In accordance with 7 CFR 4280.13, applicants that are not delinquent on any Federal debt or not otherwise disqualified from participation in these Programs are eligible to apply. An applicant must be eligible under 7 U.S.C. 940c. Notwithstanding any other provision of law, any former Rural Utilities Service borrower that has repaid or prepaid an insured, direct, or guaranteed loan under the Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act. All other restrictions in this notice will apply.

B. Cost Sharing or Matching

For loans, either the ultimate recipient or the intermediary must provide supplemental funds for the project equal to at least 20 percent of the loan to the intermediary. For grants, the intermediary must establish a revolving loan fund and contribute an amount equal to at least 20 percent of the grant. The supplemental contribution must come from the intermediary's funds which may not be from other Federal grants, unless permitted by law.

C. Other

There are no ''responsiveness'' or ''threshold'' eligibility criteria for these loans and grants. There is no limit on the number of applications an applicant may submit under this announcement.

None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

D. Completeness Eligibility

Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

IV. Application and Submission Information

A. Address To Request Application Package

For further information, entities wishing to apply for assistance should contact the USDA Rural Development State Office provided in the **ADDRESSES** section of this notice to obtain copies of the application package.

Prior to official submission of grant applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made at least 15 days prior to each quarter submission date. Technical assistance is not meant to be an analysis or assessment of the quality of the materials submitted, a substitute for agency review of completed applications, nor a determination of eligibility, if such determination requires in-depth analysis. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification information on materials contained in the submitted application.

Applications may be submitted in paper or electronic format to the appropriate Rural Development State Office and must be received by 4:30 p.m. local time on the deadline date(s) to compete for available funds in that quarter. Applicants are encouraged to contact their respective State Office for an email contact to submit an electronic application prior to the submission deadline date(s). Applications may be submitted to a Rural Development State Office at any time but must be received by 4:30 p.m. local time on deadline(s) to compete for the available funds in that fiscal quarter.

All applicants must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number which can be obtained at no cost via a toll-free request

line at (866) 705–5711 or at *https://fedgov.dnb.com/webform.* Each applicant applying for grant funds (unless the applicant is an individual or Federal awarding agency that is excepted from the requirements under 2 CFR 25.110(b) or (c) or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d)) is required to: (i) Register in the System for Award Management (SAM) before submitting its application; (ii) provide a valid unique entity identifier in its application; (iii) continue to maintain an active SAM registration with current information at all times while the Agency is considering an application or while a Federal grant award or loan is active; and, (iv) complete the Financial Assistance General Certifications and Representations in SAM. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

Please note that applicants must locate the downloadable application package for this program by the Catalog of Federal Domestic Assistance Number or FedGrants Funding Opportunity Number, which can be found at *http://www.grants.gov.*

B. Content and Form of Application Submission

An application must contain all of the required elements. Each selection priority criterion outlined in 7 CFR 4280.42(b) must be addressed in the application. Failure to address any of the criterion will result in a zero-point score for that criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4280, subpart A, will be provided to any interested applicant making a request to a Rural Development State Office. An original copy of the application package must be filed with the Rural Development State Office for the State where the intermediary is located.

(a) A complete application must include, but is not limited to, the following:

(1) An original and one copy of Form SF 424, ''Application for Federal Assistance (for non-construction);''

(2) Copies of applicant's organizational documents showing the applicant's legal existence and authority to perform the activities under the Programs;

(3) A resolution of the Board of Directors;

(4) SF–LLL, ''Restrictions on Lobbying'';

(5) RD Form 400–1, ''Equal Opportunity Agreement (if construction);

(6) Evidence of compliance with the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 *et seq.*), ''Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction'';

(7) Documentation required in accordance with 7 CR part 1970, ''Environmental Policies and Procedures'';

(8) A proposed scope of work, including a description of the proposed project, details of the proposed activities to be accomplished and timeframes for completion of each task, the number of months duration of the project, and the estimated time it will take from approval to beginning of project implementation;

(9) A written narrative that includes, at a minimum, the following items:

(i) An explanation of why the project is needed, the benefits of the proposed project, and how the project meets the grant eligible purposes, if applicable;

(ii) Area to be served, identifying each governmental unit, *i.e.,* tribe, town, county, etc., to be affected by the project;

(iii) Description of how the project will coordinate economic development activities with other economic development activities within the project area;

(iv) Businesses to be assisted, if appropriate, and economic development to be accomplished;

(v) An explanation of how the proposed project will result in newly created, increased, or supported jobs in the area and the number of projected new and supported jobs within the next 3 years;

(vi) A description of the applicant's demonstrated capability and experience in providing the proposed project assistance, including experience of key staff members and persons who will be providing the proposed project activities and managing the project;

(vii) The method and rationale used to select the areas and businesses that will receive the service;

(viii) A brief description of how the work will be performed, including whether organizational staff or consultants or contractors will be used; and

(ix) Other information the Agency may request to assist it in making an award determination.

(10) The last 3 years of financial information to show the applicant's financial capacity to carry out the proposed work. If the applicant is less than 3 years old, at a minimum, the information should include all balance sheet(s), income statement(s), and cash flow statement(s). A current audited report is required if available;

(11) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from REDLG; and

(12) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the project.

(b) The applicant documentation and forms needed for a complete application are listed above and at 7 CFR 4280.39. Applicants may request forms and addresses from the **ADDRESSES** section of this notice.

(c) There are no specific limitations on the number of pages, font size and type face, margins, paper size, number of copies, and the sequence or assembly requirements.

(d) The component pieces of this application should contain original signatures on the original application. Any form that requires an original signature but is signed electronically in the application submission, must be signed in ink by the authorized person prior to the disbursement of funds.

C. Submission Dates and Times

(a) Application Funding Competition Deadlines: No later than 4:30 p.m. (local time) on: First Quarter, September 30, 2021; Second Quarter, December 31, 2021; Third Quarter, March 31, 2022; and Fourth Quarter, June 30, 2022.

Explanation of Dates: Applications must be in the USDA Rural Development State Office by the dates and times as indicated above. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day.

(b) The deadline date means that the completed application package must be received in the USDA Rural Development State Office by the deadline date and time established above. All application documents identified in this notice are required.

(c) If completed applications are not received by the deadline established above, the application will neither be reviewed nor considered in that quarter under any circumstances.

(e) The grantee may utilize a previously approved indirect cost rate. Otherwise, the applicant may elect to

charge the 10 percent indirect cost permitted under 2 CFR 200.414(f). An indirect cost rate determination may be requested with the application; however, due to the time required to evaluate indirect cost rates, it is likely that all funds will be awarded before the indirect cost rate is determined. No foreign travel is permitted. Pre-Federal award costs will only be permitted with prior written approval by the Agency.

(f) Applicants may submit applications in hard copy or electronic format as previously indicated in the Application and Submission Information section of this notice. If the applicant wishes to hand deliver its application, the addresses for these deliveries can be located in the **ADDRESSES** section of this notice.

(g) If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

V. Application Review Information

A. Criteria

All eligible and complete applications will be evaluated and scored based on the selection criteria and weights contained in 7 CFR part 4280, subpart A. Failure to address any one of the criteria by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding.

B. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements contained in 7 CFR part 4280, subpart A. If determined eligible, your application will be submitted to the National Office. Funding of projects is subject to the intermediary's satisfactory submission of the additional items required by that subpart and the USDA Rural Development Letter of Conditions. Discretionary points, under 7 CFR 4280.43(e), may be awarded for the following categories:

(a) Assisting Rural communities recover economically from the impacts of the COVID–19 pandemic, particularly disadvantaged communities. Applicant would receive priority points if the project is located in or serving one of the top 10% of counties or county equivalents based upon county risk score in the United States. The website, *https://www.rd.usda.gov/priority-points,* has the data to confirm if your location qualifies or not.

(b) Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects. Applicant would receive priority points if the project is located in or serving a community with score 0.75 or above on the CDC Social Vulnerability Index. The website, *https://www.rd.usda.gov/priority-points,* has the data to confirm if your location qualifies or not.

(c) Reduce climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities. Applicants will receive points if the project is located in or serving coal, oil and gas, and power plant communities whose economic well-being ranks in the most distressed tier of the Distressed Communities Index. The website, *https://www.rd.usda.gov/priority-points,* has the data to confirm if your location qualifies or not. Or, applicants will receive points by demonstrating how proposed climate-impact projects improve the livelihoods of community residents and meet pollution mitigation or clean energy goals.

To ensure the broad geographic distribution of funding, the highest scoring application from each state will be grouped together and then ranked from highest to lowest score, with funds awarded in ranking order. If funds are available, the process of grouping, ranking, and awarding of funds will continue with the second highest scoring application from each state. The process will continue in this manner until all available funds have been awarded.

VI. Federal Award Administration Information

A. Federal Award Notices

Successful applicants will receive notification for funding from the Rural Development State Office. Applicants must comply with all applicable statutes and regulations before the loan/grant award can be approved. Provided the application and eligibility requirements have not changed, an eligible application not selected will be reconsidered in three subsequent quarterly funding competitions for a total of four competitions. If an application is withdrawn, it can be resubmitted and will be evaluated as a new application.

B. Administrative and National Policy Requirements

Additional requirements that apply to intermediaries or grantees selected for these Programs can be found in 7 CFR part 4280, subpart A. Awards are subject to USDA grant regulations at 2 CFR part 400 which adopts the Office of Management and Budget (OMB) regulations 2 CFR part 200.

All successful applicants will be notified by letter which will include a Letter of Conditions, and a Letter of Intent to Meet Conditions. This letter is not an authorization to begin performance. If the applicant wishes to consider beginning performance prior to the loan or grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency. The loan or grant will be considered officially awarded when all conditions in the Letter of Conditions have been met and the Agency obligates the funding for the project.

Additional requirements that apply to intermediaries or grantees selected for these Programs can be found in 7 CFR 4280, subpart A; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards of the U.S. Department of Agriculture codified in 2 CFR 400.1 to 400.2, and 2 CFR part 415 to 422, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to intermediaries or grantees selected for these Programs:

(a) Form RD 4280–2 ''Rural Business-Cooperative Service Financial Assistance Agreement.''

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(f) Form SF 270, ''Request for Advance or Reimbursement.''

(g) Form RD 400–4, ''Assurance Agreement'' must be completed by the applicant and each prospective ultimate recipient.

(h) Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants'' must be signed by corporate applicants who receive an award under this notice.

(i) Intermediaries or grantees must collect and maintain data provided by ultimate recipients on race, sex, and national origin and ensure ultimate recipients collect and maintain this

data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

(j) The applicant and the ultimate recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Executive Order 12250, Executive Order 13166 Limited English Proficiency (LEP), and 7 CFR part 1901, subpart E.

C. Reporting

(a) A financial status report and a project performance activity report will be required of all grantees on a quarterly basis until initial funds are expended and yearly thereafter, if applicable, based on the Federal fiscal year. The grantee will complete the project within the total time available to it in accordance with the scope of work and any necessary modifications thereof prepared by the grantee and approved by the Agency. A final project performance report will be required with the final financial status report. The final report may serve as the last quarterly report. The final report must provide complete information regarding the jobs created and supported as a result of the grant if applicable. Grantees must continuously monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees must submit an original of each report to the Agency no later than 30 days after the end of the quarter. The project performance reports must include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

(3) Objectives and timetable established for the next reporting period.

(4) Any special reporting requirements, such as jobs supported and created, businesses assisted, or economic development which results in improvements in median household incomes, and any other specific requirements, should be placed in the reporting section of the Letter of Conditions.

(5) Within 90 days after the conclusion of the project, the intermediary will provide a final project evaluation report. The last quarterly payment will be withheld until the final report is received and approved by the Agency. Even though the intermediary may request reimbursement on a monthly basis, the last 3 months of reimbursements will be withheld until a final report, project performance, and financial status report are received and approved by the Agency.

(b) In addition to any reports required by 2 CFR part 200 and 2 CFR 400.1 to 400.2 and 2 CFR part 415 to 422, the intermediary or grantee must provide reports as required by 7 CFR part 4280, subpart A.

G. Federal Awarding Agency Contact(s)

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this notice.

H. Civil Rights Requirements

All grants made under this notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968, Title IX, Executive Order 13166 (Limited English Proficiency), Executive Order 11246, and the Equal Credit Opportunity Act of 1974.

I. Other Information

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this notice has been approved by OMB under OMB Control Number 0570–0070.

Nondiscrimination Statement

In accordance with Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, 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.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.ocio.usda.gov/document/ad-3027,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted 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) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

Karama Neal,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–19177 Filed 9–3–21; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules

and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Florida Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Wednesday, October 27, 2021, at 2:00 p.m. Eastern time. The Committee will discuss civil rights concerns in the state.

DATES: The meeting will take place on Wednesday, October 27, 2021, from 2:00 p.m.–3:00 p.m. Eastern time.

Online Regisration (Audio/Visual): https://bit.ly/38BbDY0.

Telephone (Audio Only): Dial 800–360–9505 USA Toll Free; Access code: 199 630 3816.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at *lschiller@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Florida Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Civil Rights Discussion
Public Comment
Next Steps
Adjournment

Dated: September 2, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–19387 Filed 9–3–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Kansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting via web conference on, September 09, 2021, at 12:00 p.m. Central Time. The purpose of the meeting is for the committee to discuss plans for the upcoming briefing(s) on voting.

DATES: The meetings will be held on:

- Thursday, September 9, 2021, at 12:00 p.m. Central Time, *https://civilrights.webex.com/civilrights/j.php?MTID=mbfc50dadd21bfd4a04a9f0961cb64a81*

or Join by phone: 800–360–9505 USA Toll Free, Access code: 199 818 6105

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal Officer, at *dbarreras@usccr.gov* or (202) 656–8937.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to David Barreras at *dbarreras@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Kansas Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Chair's Comments
IV. Committee Discussion
V. Next Steps
VI. Public Comment
VII. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the COVID crisis and DFO availability.

Dated: September 1, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–19204 Filed 9–3–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Carolina Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the North Carolina Advisory Committee to the Commission will convene by conference call on Tuesday, September 21, 2021, at 12:00 p.m. (ET). The purpose is to beginning meeting as a newly appointed committee.

DATES: The meeting will be held on: Tuesday, September 21, 2021, 12:00 p.m. ET.

ADDRESSES:

Join via Webex: https://civilrights.webex.com/civilrights/j.php?MTID=md2ac40887bd187e4eb95698223a3737e.

Join via phone: 800–360–9505 USA Toll Free; Access Code: 199 591 7175#.

Join via Meeting Number: Meeting Number/Access Code: 199 591 7175; Password: mWdjqHzU925.

FOR FURTHER INFORMATION CONTACT: Victoria Moreno at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Tuesday, September 21, 2021; 12:00 p.m. (ET)

1. Welcome and Roll Call
2. Chair's Comments
3. Introductions
4. Committee Discussion
5. Next Steps
6. Public Comment
7. Other Business
8. Adjourn

Dated: August 31, 2021.

David Mussatt,

Supervisory Chief Regional Programs Unit.

[FR Doc. 2021–19144 Filed 9–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Luis Lopez, 719 Ester Drive, Donna, TX 78537; Order Denying Export Privileges

On December 17, 2019, in the U.S. District Court for the Southern District of Texas, Luis Lopez (''Lopez''), was convicted of violating 18 U.S.C. 554(a). Specifically, Lopez was convicted of fraudulently and knowingly exporting and sending or attempting to export and send from the United States to Mexico, five (5) AK–47 semi-automatic rifles, in violation of 18 U.S.C. 554. Lopez was sentenced to 37 months in prison, three years of supervised release and a $100 assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Lopez's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Lopez to make a written submission to BIS, as provided in section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Lopez.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Lopez's export privileges under the Regulations for a period of 10 years from the date of Lopez's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Lopez had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until December 17, 2029, Luis Lopez, with a last known address of 719 Ester Drive, Donna, Texas 78537, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned,

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Lopez's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Lopez by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Lopez may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Lopez and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until December 17, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–19223 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–469–818]

Ripe Olives From Spain: Preliminary Results of Countervailing Duty Administrative Review; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers/exporters of ripe olives from Spain during the period of review, January 1, 2019, through December 31, 2019. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 7, 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 or (202) 482–5075, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2020, Commerce published the notice of initiation of an administrative review of the countervailing duty order on ripe olives from Spain.[1] On April 5, 2021, Commerce extended the deadline for the preliminary results of this review by 120 days until August 31, 2021.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3]

Scope of the Order

The products covered by the order are ripe olives from Spain. For a complete description of the scope of this administrative review, *see* the Preliminary Decision Memorandum.[4]

Methodology

Commerce is conducting this administrative 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 countervailable, Commerce preliminarily 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 conclusions, including our reliance, in part, on facts otherwise available pursuant to section 776(a) of the Act, *see* the Preliminary Decision Memorandum.

The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Preliminary Rate for Non-Selected Companies Under Review

There are three companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. For these companies, because the rates calculated for the mandatory respondents, Agro Sevilla Aceitunas S.Coop. And. (Agro Sevilla) and Angel Camacho Alimentación, S.L. (Camacho), were above *de minimis* and not based entirely on facts available, we are applying to the non-selected companies the weighted average of the net subsidy rates calculated for Agro Sevilla and Camacho, which we calculated using the publicly ranged sales data submitted by Agro Sevilla and Camacho.[6] This methodology to establish the all-others subsidy rate is consistent with our practice and section 705(c)(5)(A) of the Act. For further information on the calculation of the non-selected respondent rate, refer to the section in the Preliminary Decision Memorandum entitled ''Non-Selected Company Rate.''

Preliminary Results of Review

We preliminarily determine the following net countervailable subsidy rates for the period January 1, 2019, through December 31, 2019:

Producer/exporter	Subsidy rate (percent)
Agro Sevilla Aceitunas S.Coop. And	4.96

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[2] *See* Memorandum, ''Ripe Olives from Spain: Extension of Deadline for Preliminary Results of 2019 Countervailing Duty Administrative Review,'' dated April 5, 2021.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2019 Countervailing Duty Administrative Review of Ripe Olives from Spain,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* Preliminary Decision Memorandum.

[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.

[6] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010).

Producer/exporter	Subsidy rate (percent)
Angel Camacho Alimentación, S.L. and its cross-owned affiliates [7]	1.07
Review-Specific Average Rate Applicable to the Following Companies [8]	
Aceitunas Guadalquivir, S.L	3.09
Alimentary Group Dcoop S. Coop. And	3.09
Internacional Olivarera, S.A	3.09

Disclosure and Public Comment

We will disclose to parties in this review the calculations performed for these preliminary results within five days of the date of publication of this notice.[9] Commerce also intends to issue a post-preliminary analysis memorandum after the publication of this notice. Commerce will notify the parties to this proceeding of the deadlines for the submission of case and rebuttal briefs after the issuance of a post-preliminary memorandum.

Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using ACCESS.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be determined.

Unless extended, Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, no later than 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily determined subsidy rates in the amounts shown above for the producer/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) 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 assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results and notice are issued and published in accordance with sections 751(a) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: August 31, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Non-Selected Company Rate
V. Subsidies Valuation Information
VI. Use of Facts Otherwise Available
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2021–19257 Filed 9–3–21; 8:45 am]

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[7] As discussed in the Preliminary Decision Memorandum, Commerce found the following companies to be cross-owned with Angel Camacho Alimentación, S.L.: Grupo Angel Camacho, S.L., Cuarterola S.L., and Cucanoche S.L.

[8] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis,* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

[9] *See* 19 CFR 351.224(b).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Wah Yuen Stationery Co. Ltd. and Shandong Wah Yuen Stationery Co. Ltd. (collectively, Wah Yuen) had no shipments of certain cased pencils from the People's Republic of China (China) during the period of review (POR) December 1, 2019, through November 30, 2020. Commerce also preliminarily determines that Tianjin Tonghe Stationery Co., Ltd. (Tianjin Tonghe) and Ningbo Homey Union Co., Ltd. (Ningbo Homey) are part of the China-wide entity. We invite interested parties to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Brian Smith, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6478 or (202) 482–1766, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the initiation of this administrative review on February 4, 2021.[1] We selected Wah Yuen as the sole mandatory respondent.[2]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 8166 (February 4, 2021) (*Initiation Notice*).

[2] *See* Memorandum, ''Respondent Selection,'' dated March 5, 2021. Commerce determined that Wah Yuen Stationery Co. Ltd. and Shandong Wah Yuen Stationery Co. Ltd. are affiliated, pursuant to section 771(33) of the Tariff Act of 1930, as amended (the Act), and should be treated as a single entity, pursuant to 19 CFR 351.401(f), in prior administrative reviews. *See Certain Cased Pencils*

Continued

For a complete description of the events that followed the initiation of this review and analysis of Commerce's preliminary determinations, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via the 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 Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/*.

Scope of the Order

The merchandise subject to the order includes certain cased pencils from China. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9609.10.00. Although the HTSUS subheading is provided for convenience and customs purposes, the written product description is dispositive. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection (CBP) information and information provided by Wah Yuen, Commerce preliminarily determines that Wah Yuen had no shipments of subject merchandise during the POR. Consistent with our practice in non-market economy (NME) cases, we intend to complete the review with respect to Wah Yuen and issue appropriate instructions to CBP based on the final results of the review.[4]

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[5] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate of 114.90 percent is not subject to change.[6]

Aside from Wah Yuen, which we preliminarily determine to have made no shipments, Commerce considers all other companies for which a review was requested and which did not demonstrate separate rate eligibility to be part of the China-wide entity.[7] Accordingly, for the preliminary results, we consider Tianjin Tonghe and Ningbo Homey, neither of which submitted a separate rate application, to be part of the China-wide entity.

Disclosure and Public Comment

Normally, Commerce discloses the calculations used in its analysis to parties in a review within five days of the date of publication of the notice of preliminary results, in accordance with 19 CFR 351.224(b). However, in this case, there are no calculations on the record to disclose.

Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[8] Rebuttal briefs may be filed no later than seven days after the written comments are filed, and all rebuttal comments must be limited to comments raised in the case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, we intend to hold the hearing at the date and time to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless otherwise extended, we intend to issue the final results of this review, which will include the results of our analysis of the issues raised in any briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping (AD) duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b). If Commerce continues to make a no-shipment finding for Wah Yuen in the final results, any suspended entries of subject merchandise associated with Wah Yuen will be liquidated at the China-wide rate. Moreover, if Commerce continues to find that Tianjin Tonghe and Ningbo Homey are part of the China-wide entity in the final results, Commerce intends to instruct CBP to liquidate POR entries of subject merchandise from these companies at the China-wide rate. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to

from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review; 2014–2015, 81 FR 37573 (June 10, 2016), and accompanying Preliminary Decision Memorandum at 9–10 (unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review; 2014–2015,* 81 FR 74764 (October 27, 2016) and *Certain Cased Pencils from the People's Republic of China: Amended Final Results of Antidumping Duty New Shipper Review; 2014–2015,* 81 FR 92784 (December 20, 2016)). Because there is no record evidence indicating that Commerce should revisit this determination, we are continuing to treat these two companies as a single entity for purposes of this administrative review.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Cased Pencils from the People's Republic of China; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[5] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[6] *See Certain Cased Pencils from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission; 2014–2015,* 81 FR 83201, 83202 (November 21, 2016), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015,* 82 FR 24675 (May 30, 2017), and accompanying Issues and Decision Memorandum.

[7] *See Initiation Notice* (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.'').

[8] *See* 19 CFR 351.309(c).

[9] *See* 19 CFR 351.309(d).

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) Wah Yuen's cash deposit rate will continue to be its existing exporter-specific rate; [11] (2) for previously investigated or reviewed Chinese and non-Chinese exporters for which a review was not requested and that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of AD duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of AD duties occurred and the subsequent assessment of double AD duties.

Notification to Interested Parties

We are issuing and publishing the preliminary results of this administrative review in accordance with sections 751(a)(l) and 777(i)(l) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

[11] *See Certain Cased Pencils from the People's Republic of China: Amended Final Results of Antidumping Duty New Shipper Review; 2014–2015,* 81 FR 92784 (December 20, 2016), and accompanying memorandum, ''Analysis for the Amended Final Results of the Antidumping Duty New Shipper Review of Certain Cased Pencils from the People's Republic of China.''

Dated: August 27, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Review
IV. Scope of the *Order*
V. Selection of Respondents
VI. Preliminary Determination of No Shipments
VII. Discussion of the Methodology
VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–836]

Light-Walled Rectangular Pipe and Tube From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on light-walled rectangular pipe and tube from Mexico, covering the period August 1, 2019, through July 31, 2020. We preliminarily find that Regiomontana de Perfiles y Tubos S. de R.L. de C.V. (Regiopytsa) and Perfiles LM, S.A. de C.V. (Perfiles) made sales of subject merchandise at less than normal value (NV) during the period of review (POR). We invite interested parties to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: John Conniff or Kyle Clahane, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009 and (202) 482–5449, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 2008, Commerce published the *Order* in the **Federal Register**.[1] On October 6, 2020, Commerce published in the **Federal Register** a notice of initiation listing the firms for which timely requests were submitted for an administrative review of 18 companies.[2] On December 3, 2020, we selected Perfiles and Regiopytsa for individual examination as the mandatory respondents in this administrative review.[3] On January 19, 2021, we rescinded the review for 12 companies included in the *Initiation Notice*.[4] On April 13, 2021, we extended the deadline for the preliminary results to August 31, 2021.[5]

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[6] The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* A list of topics included in the Preliminary Decision Memorandum is included in the Appendix to this notice.

Scope of the Order

The products covered by the scope of the order are certain light-walled rectangular pipe and tube from Mexico. For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(2) of

[1] *See Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value,* 73 FR 45403 (August 5, 2008) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020) (*Initiation Notice*). The *Initiation Notice* listed 18 companies and 19 company names since it included both the current and former versions of Regiopytsa's company name.

[3] *See* Memorandum, ''2019–2020 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Mexico: Respondent Selection Memorandum,'' dated December 3, 2020 at 1.

[4] *See Light-Walled Rectangular Pipe and Tube from Mexico: Partial Rescission of Antidumping Duty Administrative Review: 2019–2020,* 86 FR 5135 (January 19, 2021).

[5] *See* Memorandum, ''Light-Walled Rectangular Pipe and Tube from Mexico: Extension of Deadline for the Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,'' dated April 13, 2021.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results: Light-Walled Rectangular Pipe and Tube from Mexico; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

the Tariff Act of 1930, as amended (the Act). Export price was calculated in accordance with section 772 of the Act. Normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Rate for Non-Selected Companies

For the rate for companies not selected for individual examination in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''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 any margins determined entirely {on the basis of facts available}.'' In this administrative review, we calculated a weighted-average dumping margin each for Perfiles and Regiopytsa that is not zero, *de minimis,* or based on total facts available. The weighted-average dumping margin calculated for the non-selected companies is an average of the weighted-average dumping margins of the two mandatory respondents weighted by the publicly ranged U.S. sales values of the mandatory respondents.[7]

Preliminary Results of Review

We preliminarily determine that, for the period August 1, 2019, through July 31, 2020, the following weighted-average dumping margins exist:

Exporter or producer	Weighted-average dumping margin (percent)
Perfiles LM, S.A. de C.V	0.78
Regiomontana de Perfiles y Tubos S. de R.L. de C.V [8]	1.05
Maquilacero S.A. de C.V	0.98
Nacional de Acero S.A. de C.V	0.98
Productos Laminados de Monterrey S.A. de C.V	0.98
Ternium Mexico S.A. de C.V	0.98

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to parties within five days after the date of publication of this notice.[9]

Commerce will announce the briefing schedule to interested parties at a later date. Interested parties may submit case briefs on the deadline that Commerce will announce. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[10] Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Executive summaries should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice.[12] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs or requests for a hearing, should be filed using ACCESS [13] and must be served on interested parties.[14] An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.[15] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[16]

Final Results of Review

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case and rebuttal briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For individually examined respondents whose calculated weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on

[7] *See* Memorandum, ''Calculation of the Rate for Non-Selected Respondents,'' dated concurrently with this notice; *see also Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010).

[8] *See Light-Walled Rectangular Pipe and Tube from Mexico: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2018–2019,* 85 FR 83886 (December 23, 2020), and accompanying Preliminary Decision Memorandum at 6, unchanged in *Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2018–2019,* 86 FR 33646 (June 25, 2021), where Commerce determined that Regiomontana de Perfiles y Tubos S. de R.L. de C.V. is the successor-in-interest to Regiomontana de Perfiles y Tubos S.A. de C.V. The successor is merely a revision of the type of incorporation under Mexican law that did not impact the company's ownership, management, or operations. For the current review, the petitioner's review request included both the current and former versions of Regiopytsa's company name.

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(d)(1).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.303 (for general filing requirements).

[14] *See* 19 CFR 351.303(f).

[15] *See* 19 CFR 351.303(b)(1).

[16] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If a respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

Regarding entries of subject merchandise during the period of review that were produced by Perfiles and Regiopytsa and for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate of 3.76 percent, as established in the LTFV investigation, if there is no rate for the intermediate company(ies) involved in the transaction.[17] For a full discussion of this matter, *see Assessment Policy Notice.*[18]

For those companies which were not individually examined, we will instruct CBP to assess antidumping duties at an *ad valorem* rate equal to each company's weighted-average dumping margin as determined in the final results of this review.

Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a). The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 3.76 percent.[19]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: August 31, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Companies Not Selected for Individual Examination
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2021–19320 Filed 9–3–21; 8:45 am]

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[17] *See Order,* 73 FR at 45405.

[18] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

[19] *See Order,* 73 FR at 45405.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–017]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review Rescission in Part, and Intent To Rescind in Part; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers/exporters of certain passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China) during the period of review (POR), January 1, 2019, through December 31, 2019. In addition, we are rescinding the review with respect to 19 companies, and announcing our preliminary intent to rescind this review with respect to eight other companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Richard Roberts, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–5075 or 202–482–2631, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2020, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the CVD Order on passenger tires from China.[1] On April 14, 2021, Commerce extended the deadline for the preliminary results of this review by 120 days to August 31, 2021.[2]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[2] *See* Memorandum, ''Certain Passenger Vehicles and Light Truck Tires from the People's Republic of China: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2019,'' dated April 14, 2021.

Scope of the Order [3]

The products covered by the *Order* are certain passenger vehicle and light truck tires from China. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[4]

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received timely-filed withdrawal requests with respect to the following companies: Giti Radial Tire (Anhui) Company Ltd.; Giti Tire Global Trading Pte. Ltd.; Giti Tire (Fujian) Company Ltd.; Giti Tire (Hualin) Company Ltd.; Haohua Orient International Trade Ltd.; Qingdao Lakesea Tyre Co., Ltd.; Riversun Industry Limited; Safe & Well (HK) International Trading Limited; Sailun Group (HongKong) Co., Limited., formerly known as Sailun Jinyu Group (Hong Kong) Co., Limited; Sailun Group Co., Ltd., formerly known as Sailun Jinyu Group Co., Ltd.; Sailun Tire Americas Inc., formerly known as SJI North America Inc.; Sailun Tire International Corp; Shandong Guofeng Rubber Plastics Co., Ltd.; Shandong Linglong Tyre Co., Ltd.; Shandong New Continent Tire Co., Ltd.; Shandong Wanda Boto Tyre Co., Ltd.; Shouguang Firemax Tyre Co., Ltd.; Windforce Tyre Co., Limited; and Zhaoqing Junhong Co., Ltd., pursuant to 19 CFR 351.213(d)(1). Because the withdrawal requests were timely filed, and no other parties requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* with respect to these 19 companies noted above.

Intent To Rescind Administrative Review, in Part

It is Commerce's practice is to rescind an administrative review of a CVD order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[5] Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate calculated for the review period.[6] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated CVD assessment rate calculated for the review period.[7]

According to the CBP import data, eight companies subject to this review did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended.[8] Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we intend to rescind this administrative review with respect to these eight companies, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this administrative 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 countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying our conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Preliminary Rate for Non-Selected Companies Under Review

There are three companies for which a review was requested and not rescinded, and which were not selected for individual examination as mandatory respondents or found to be cross-owned with a mandatory respondent. The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and/or producers individually examined, excluding any rates that are zero, *de minimis,* or based entirely on facts available. In this review, only one mandatory respondent, Sumitomo Rubber (Hunan) Co., Ltd. (Sumitomo Rubber), had a rate which was not zero, *de minimis,* or based entirely on facts available. Thus, for the companies for which a review was requested that were not selected as mandatory company respondents and for which Commerce is not rescinding the review, Commerce is basing the subsidy rate on the rate calculated for Sumitomo Rubber.

Preliminary Results of the Review

We preliminarily determine the following net countervailable subsidy rates for the period January 1, 2019, through December 31, 2019:

Producer/exporter	Subsidy rate (percent)
Sumitomo Rubber (Hunan) Co., Ltd. and its cross-owned affiliates [10]	25.49
Triangle Tyre Co., Ltd	124.92

[3] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2019 Countervailing Duty Administrative Review of Certain Passenger Vehicles and Light Truck Tires from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015,* 82 FR 14349 (March 20, 2017); *see also Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 14650 (April 11, 2019).

[6] *See* 19 CFR 351.212(b)(2).

[7] *See* 19 CFR 351.213(d)(3).

[8] These companies are: Hankook Tire China Co., Ltd.; Prinx Chengshan (Shandong) Tire Company Ltd.; Qingdao Fullrun Tyre Tech Corp., Ltd.; Qingdao Honghuasheng Trade Co., Ltd; Qingdao Kapsen Trade Co.; Shandong Habilead Rubber Co., Ltd.; Shandong Hongsheng Rubber Technology Co., Ltd.; and Shandong Qilun Rubber Co., Ltd.

[9] *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.

Producer/exporter	Subsidy rate (percent)
Review-Specific Average Rate Applicable to the Following Companies [11]	
Jiangsu Hankook Tire Co., Ltd	25.49
Qingdao Landwinner Tyre Co., Ltd	25.49
Shandong Province Sanli Tire Manufacture Co., Ltd	25.49

Disclosure and Public Comment

We will disclose to parties in this review, the calculations performed for these preliminary results within five days of the date of publication of this notice.[12] Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[13] Rebuttals to case briefs may be filed no later than seven days after the case briefs are filed, and all rebuttal comments must be limited to comments raised in the case briefs.[14] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[15]

Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be determined.

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) 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. For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2019, through December 31, 2019, in accordance with 19 CFR 351.212(c)(l)(i). For the companies remaining in the review, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Non-Selected Companies Under Review
V. Diversification of China's Economy
VI. Non-Selected Company Rate
VII. Partial Rescission of the Administrative Review
VIII. Intent to Rescind Administrative Review, in Part
IX. Use of Facts Otherwise Available and Application of Adverse Inferences
X. Interest Rate Benchmarks, Discount Rates, Input and Electricity Benchmarks
XI. Subsidies Valuation
XII. Analysis of Programs
XIII. Recommendation

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[10] Commerce finds the following companies to be cross-owned with Sumitomo Rubber (Hunan) Co., Ltd.: Sumitomo Rubber (China) Co., Ltd. and Sumitomo Rubber (Changshu) Co. Ltd.

[11] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis,* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

[12] *See* 19 CFR 351.224(b).

[13] *See* 19 CFR 351.309(c).

[14] *See* 19 CFR 351.309(d).

[15] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 29615 (May 18, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; and Preliminary Determination of No Shipments; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that certain producers and exporters of passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China) made sales of subject merchandise at prices below normal value (NV) during the period of review (POR), August 1, 2019, through July 31, 2020. Commerce also preliminarily finds that one company did not ship subject merchandise to the United States during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Toni Page or Peter Shaw, 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) 482–1398 or (202) 482–0697, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2020, Commerce initiated the administrative review of the AD order on passenger tires from China covering the period August 1, 2019, through July 31, 2020.[1] The petitioner in this review is the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (USW). This review covers mandatory respondent Sumitomo Rubber Industries Ltd. (SRI); Sumitomo Rubber (Hunan) Co., Ltd. (SRH); and Sumitomo Rubber (Changshu) Co., Ltd. (SRC) (collectively, Sumitomo).[2] The administrative review also covers 27 other companies that were not selected for individual examination. On January 27, 2021, Commerce rescinded, in part, the instant administrative review with respect to 21 companies.[3]

For a complete description of the events that followed the initiation and the partial rescission of this administrative review, *see* the Preliminary Decision Memorandum.[4] A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Order

The products covered by the order are certain passenger vehicle and light truck tires from China. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[5]

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated constructed export prices in accordance with section 772 of the Act. Because China is a non-market economy (NME) country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.[6]

Preliminary Determination of No Shipments

Based on the available record information, Commerce preliminarily determines that Qingdao Fullrun Tyre Tech Corp., Ltd. (Fullrun Tyre Tech) had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum. Consistent with our assessment practice in administrative reviews, Commerce is not rescinding this review for Fullrun Tyre Tech, but intends to complete the review and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of the review.[7]

Single Entity Treatment

We preliminarily find that the following companies are affiliated, pursuant to section 771(33)(F) of the Act and to 19 CFR 351.401(f)(1) and thus should be treated as a single entity: SRI; SRH; and SRC (collectively, Sumitomo). For additional information, *see* the Preliminary Decision Memorandum and Sumitomo Preliminary Calculation Memorandum.[8]

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[9] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, and we did not self-initiate a review, the China-wide entity cash deposit rate (*i.e.,* 76.46 percent) is not subject to change as a result of this review.[10]

Separate Rates

In all proceedings involving NME countries, Commerce maintains a rebuttable presumption that all companies within an NME country are subject to government control and, thus, should be assessed a single weighted-average dumping margin unless the company can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to its exports so that it is entitled to separate rate status.[11] Commerce preliminarily determines that the information placed on the record by Qingdao Landwinner Tyre Co., Ltd.; Qingdao Nexen Tire Corporation; Shandong Qilun Rubber Co., Ltd.; and Zhaoqing Junhong Co., Ltd. demonstrates that these companies are entitled to separate rate status.

Dumping Margin for Separate Rate Companies

The statute and Commerce's regulations do not identify the dumping margin to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[2] SRI refers to the single entity, Sumitomo Rubber Industries Ltd.; Sumitomo Rubber (China) Co., Ltd.; Sumitomo Rubber (Hunan) Co., Ltd.; and Sumitomo Rubber (Changshu) Co., Ltd. (collectively, SRI).

[3] *See Passenger Vehicle and Light Truck Tires from the People's Republic of China: Rescission, in Part, of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 7258 (January 27, 2021).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China and Preliminary Determination of No Shipments; 2019–2020,'' dated concurrently with, and hereby adapted by, this notice (Preliminary Decision Memorandum).

[5] *Id.* at ''Scope of the Order.''

[6] *Id.* at Discussion of the Methodology.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011); *see also* the ''Assessment Rates'' section, below.

[8] *See* Preliminary Decision Memorandum at Single Entity Treatment; *see also* Memorandum, ''Antidumping Administrative Review of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Analysis Memorandum for Sumitomo Rubber (Hunan) Co., Ltd.,'' dated concurrently with this notice at Single Entity Analysis (Sumitomo Preliminary Calculation Memorandum).

[9] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[10] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902, 47906 (August 10, 2015).

[11] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products from the People's Republic of China,* 71 FR 53079, 53082 (September 8, 2006); and *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China,* 71 FR 29303, 29307 (May 22, 2006).

the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the dumping margin for respondents that are not individually examined in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually-examined respondents, excluding dumping margins that are zero, *de minimis,* or based entirely on facts available. Where the dumping margins for individually examined respondents are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.''

Commerce calculated an individual estimated weighted-average dumping margin for SRI, the only individually examined exporter/producer in this administrative review. Because the only individually calculated weighted-average dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, we are assigning the separate rate respondents a dumping margin equal to Sumitomo's margin.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period August 1, 2019, through July 31, 2020:

Exporter	Weighted-average dumping margin (percent)
Sumitomo Rubber Industries Ltd.; Sumitomo Rubber (Hunan) Co., Ltd.; and Sumitomo Rubber (Changshu) Co., Ltd	1.18
Qingdao Landwinner Tyre Co., Ltd	1.18
Qingdao Nexen Tire Corporation	1.18
Shandong Qilun Rubber Co., Ltd	1.18
Zhaoqing Junhong Co., Ltd	1.18

Disclosure

Commerce will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of such case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[12] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS [13] and must be served on interested parties.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days of the date of publication of this notice.[15] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[16] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Verification

On January 14, 2021, the petitioner requested, pursuant to 19 CFR 351.307(b)(1)(v), that Commerce conduct verification of the questionnaire responses submitted in this administrative review by Sumitomo.[17] Commerce is currently unable to conduct on-site verification of the information relied upon in making its final results of this administrative review. Accordingly, we intend to take additional steps in lieu of on-site verification to verify the information. Commerce will notify interested parties of any additional documentation or information required.

Assessment Rates

Upon issuing the final results of this review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[18] We intend to liquidate entries containing subject merchandise exported by the companies under review that we determine in the final results to be part of the China-wide entity at the China-wide cash deposit rate of 76.46 percent. For the companies receiving a separate rate, we intend to assign an assessment rate of 1.18 percent, consistent with the methodology described above. Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's CBP case number will be liquidated at the rate for the China-wide entity. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the

[12] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).'')

[13] *See* 19 CFR 351.303 (for general filing requirements).

[14] *See* 19 CFR 351.303(f).

[15] *See* 19 CFR 351.310(c).

[16] *See* 19 CFR 351.310(d).

[17] *See* Petitioner's Letter, ''Passenger Vehicle and Light Truck Tires from China: Request for Verification,'' dated January 14, 2021.

[18] *See* 19 CFR 351.212(b)(1).

time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be equal to the exporter-specific weighted-average dumping margin published of the most recently-completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for China-wide entity, 76.46 percent; and (4) for all exporters of subject merchandise which are not located in China and which are not eligible for a separate rate, the cash deposit rate will be the rate applicable to Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: August 31, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Determination of No Shipments
V. Affiliation and Single Entity Treatment
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

[FR Doc. 2021–19259 Filed 9–3–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–872]

Finished Carbon Steel Flanges From India: Preliminary Results of Countervailing Duty Administrative Review; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Norma (India) Ltd. (Norma) and R.N. Gupta & Co. Ltd. (RNG) received countervailable subsidies during the period of review (POR), January 1, 2019, through December 31, 2019. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 7, 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

On August 24, 2017, Commerce published in the **Federal Register** the countervailing duty (CVD) order on finished carbon steel flanges (steel flanges) from India.[1] On August 4, 2020, Commerce published a notice of opportunity to request an administrative review of the *Order.*[2] On August 31, 2020, Weldbend Corporation and Boltex Mfg. Co., L.P. (the petitioners), requested a review of 38 producers and/or exporters of subject merchandise.[3] Further, between August 27, 2020, and August 31, 2020, Norma,[4] RNG, Bebitz Flanges Works Private Limited, Munish Forge Private Limited, Balkrishna Steel Forge Pvt. Ltd., Jai Auto Pvt. Ltd., and Aditya Forge Limited, foreign producers or exporters of subject merchandise, each requested a review of the *Order* with respect to themselves.[5] On October 6, 2020, Commerce published a notice of initiation of an administrative review of the *Order.*[6] Based on our examination of the Customs and Border Protection (CBP) data, on November 20, 2020, we selected Norma and RNG, the two largest producers and/or exporters, as mandatory respondents.[7]

On April 19, 2021, Commerce extended the time period for issuing these preliminary results by 120 days, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), to August 31, 2021.[8] For a complete description of the events that followed the initiation of this review,

[1] *See Finished Carbon Steel Flanges from India: Countervailing Duty Order,* 82 FR 40138 (August 24, 2017) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 47167 (August 4, 2020).

[3] *See* Petitioners' Letter, ''Finished Carbon Steel Flanges from India: Request for Administrative Review,'' dated August 31, 2020.

[4] We note that Norma requested a review of itself and its affiliates USK Export Private Limited; Uma Shanker Khandelwal and Co.; and Bansidhar Chiranjilal.

[5] *See* Norma's Letter, ''Finished Carbon Steel Flanges from India: Request for entry of appearance in the Countervailing Duty Administrative Review for Norma (India) Limited, USK Export Private Limited, Umashanker Khandelwal and Co. and Bansidhar Chiranjilal.,'' dated August 27, 2020; *see also* RNG's Letter, ''Finished Carbon Steel Flanges from India: Request for Countervailing Duty Administrative Review,'' August 28, 2020; Bebitz Flanges Works Private Limited's Letter, ''Finished Carbon Steel Flanges from India: Requests for Administrative Review,'' dated August 28, 2020; Munish Forge Private Limited's Letter, ''Finished Carbon Steel Flanges from India: Request for Counter Vailing Duty Administrative Review,'' dated August 27, 2020; Balkrishna Steel Forge Pvt. Ltd.'s Letter, ''Carbon Steel Flanges from India, Antidumping & Countervailing Duty,'' dated August 31, 2020; Jai Auto Pvt. Ltd.'s Letter, ''Request for review of Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India,'' dated August 31, 2020; and Aditya Forge Limited's Letter, ''Request for review of Countervailing Duty Administrative Review of Finished Carbon steel Flanges from India,'' dated August 31, 2020.

[6] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081, 63092–63093 (October 6, 2020).

[7] *See* Memorandum, ''Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Respondent Selection,'' dated November 20, 2020.

[8] *See* Memorandum, ''Finished Carbon Steel Flanges from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2019,'' dated April 19, 2021.

see the Preliminary Decision Memorandum.[9] A list of topics discussed in the Preliminary Decision Memorandum is included at Appendix I to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Order

The merchandise covered by the *Order* is steel flanges. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Act. For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[10]

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that a respondent did not act to the best of its ability to respond to Commerce's requests for information, Commerce drew an adverse inference where appropriate in selecting from among the facts otherwise available.[11] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Norma and RNG were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Norma and RNG using publicly ranged sales data submitted by the respondents.[12]

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated individual subsidy rates for Norma and RNG. For the period January 1, 2019, through December 31, 2019, we preliminarily determine that the following net countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Norma (India) Ltd.[13]	5.25
R.N. Gupta & Co. Ltd	5.51
Companies Not Selected for Individual Examination (*see* Appendix II)	5.41

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and CBP shall assess, CVDs on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Rate

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated CVDs in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated CVDs at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[14] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within seven days[15] after the time limit for filing case briefs.[16] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[17] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[18]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system within 30 days of the publication of this notice.[19] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants, whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[20] Issues addressed during the hearing will be limited to those raised in the respective case and rebuttal briefs.[21] Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India; 2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[10] *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.

[11] *See* sections 776(a) and (b) of the Act.

[12] *See* Memorandum, ''Preliminary Results Calculation of Subsidy Rate for Non-Selected Companies Under Review,'' dated August 31, 2021.

[13] In the investigation, Commerce found the following companies to be cross-owned with Norma (India) Ltd.: USK Export Private Limited; Uma Shanker Khandelwal and Co.; and Bansidhar Chiranjilal. *See* Preliminary Decision Memorandum at 6; this finding is unchanged in these preliminary results. This rate applies to all cross-owned companies.

[14] *See* 19 CFR 351.224(b).

[15] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[16] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); *see also* 19 CFR 351.303 (for general filing requirements).

[17] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[18] *See Temporary Rule.*

[19] *See* 19 CFR 351.310(c).

[20] *See* 19 CFR 351.310.

[21] *See* 19 CFR 351.310(c).

results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Notification to Interested Parties

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: August 31, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Period of Review
V. Subsidies Valuation Information
VI. Benchmark Interest Rates and Discount Rates
VII. Use of Facts Otherwise Available and Application of Adverse Inferences
VIII. Analysis of Programs
IX. Rate for Non-Examined Companies
X. Recommendation

Appendix II

Companies Not Selected for Individual Examination

1. Adinath International
2. Aditya Forge Limited
3. Allena Group
4. Alloyed Steel
5. Balkrishna Steel Forge Pvt. Ltd.
6. Bebitz Flanges Works Private Limited
7. C.D. Industries
8. CHW Forge
9. CHW Forge Pvt. Ltd.
10. Citizen Metal Depot
11. Corum Flange
12. DN Forge Industries
13. Echjay Forgings Limited
14. Falcon Valves and Flanges Private Limited
15. Heubach International
16. Hindon Forge Pvt. Ltd.
17. Jai Auto Pvt. Ltd.
18. Kinnari Steel Corporation
19. Mascot Metal Manufacturers
20. M F Rings and Bearing Races Ltd.
21. Munish Forge Private Limited
22. OM Exports
23. Punjab Steel Works
24. Raaj Sagar Steels
25. Ravi Ratan Metal Industries
26. R. D. Forge
27. Rolex Fittings India Pvt. Ltd.
28. Rollwell Forge Engineering Components and Flanges
29. Rollwell Forge Pvt. Ltd.
30. SHM (ShinHeung Machinery)
31. Siddhagiri Metal & Tubes
32. Sizer India
33. Steel Shape India
34. Sudhir Forgings Pvt. Ltd.
35. Tirupati Forge Pvt. Ltd.
36. Umashanker Khandelwal Forging Limited

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with July anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with July anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *https://access.trade.gov,* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further,

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[2] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[4] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for respondent selection. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We

[2] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[3] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[4] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

intend to issue the final results of these reviews not later than July 30, 2022.

	Period to be reviewed
AD Proceedings	Period to be Reviewed
BELGIUM: Citric Acid and Certain Citrate Salts A–423–813	7/1/20–6/30/21
S.A. Citrique Belge N.V.	
COLOMBIA: Citric Acid and Certain Citrate Salts A–301–803	7/1/20–6/30/21
Sucroal S.A.	
INDIA: Fine Denier Polyester Staple Fiber A–533–875	7/1/20–6/30/21
Reliance Industries Limited.	
INDIA: Polyethylene Terephthalate (Pet) Film A–533–824	7/1/20–6/30/21
Ester Industries Ltd.	
Garware Polyester Ltd.	
Vacmet India Ltd.	
MTZ Polyesters Ltd.	
Uflex Ltd.	
Jindal Poly Films Ltd.	
SRF Ltd.	
Polyplex Corporation Ltd.	
ITALY: Certain Pasta A–475–818	7/1/20–6/30/21
Aldino S.R.L.	
Armonie D'Italia srl.	
F. Divella S.p.A.	
Falco Molino e Pastificio srl.	
La Molisana S.p.A.	
Liguori Pastificio dal 1820 S.p.A.	
Pastificio C.A.M.S. Srl.	
Pasta Casiglioni.	
Pastificio Della Forma S.R.L.	
Pastificio Di Martino Gaetano e Flli S.p.A.	
Pastificio Favellato srl.	
Pastificio Fratelli De Luca S.R.L.	
Pastificio Mediterranea S.R.L.	
Pastificio Tamma S.R.L.	
Rummo S.p.A.	
Valdigrano di Flavio Pagani S.R.L.	
JAPAN: Cold-Rolled Steel Flat Products A–588–873	7/1/20–6/30/21
Allegheny Technologies Japan Ltd.	
Daido Kogyo Co., Ltd.	
Hanwa Co., Ltd.	
Honda Trading Corporation.	
JFE Shoji Corporation.	
JFE Shoji Trade Corp.	
JFE Shoji Trade Corporation.	
Kanematsu Corporation.	
Mitsui & Co., Ltd.	
Nippon Steel Trading Co. Ltd.	
Okaya & Co., Ltd.	
Shinsho Corporation.	
Subaru Corporation.	
Sumitomo Corporation.	
Sumitomo Corporation Global Metals.	
The Topy Group (Japan).	
Topy Enterprises Limited.	
Topy Enterprises, Ltd.	
Toyo Kihan Co. Ltd.	
Toyo Kohan Co. Ltd.	
MALAYSIA: Certain Steel Nails A–557–816	7/1/20–6/30/21
Airlift Trans Oceanic Pvt. Ltd.	
Alsons Manufacturing India, LLP.	
Astrotech Steels Pvt. Ltd.	
Atlantic Marine Group Ltd.	
Bluemoon Logistics Pvt. Ltd.	
C.H. Robinson Worldwide Freight India Pvt., Ltd.	
Chia Pao Metal Co., Ltd.	
Chuan Heng Hardware Paints and Building Materials Sdn. Bhd.	
Come Best (Thailand) Co., Ltd.	
Dahnay Logistics Pvt., Ltd.	
Gbo Fastening Systems AB.	
Geekway Wires Limited.	
Honour Lane Logistics Sdn., Bhd.	
Honour Lane Shipping Ltd.	

	Period to be reviewed
Impress Steel Wire Industries Sdn., Bhd.	
Inmax Industries Sdn., Bhd.	
Inmax Sdn. Bhd.	
Kerry-Apex (Thailand) Co., Ltd.	
Kerry Indev Logistics Pvt., Ltd.	
Kerry Logistics (M) Sdn., Bhd.	
Kimmu Trading Sdn., Bhd.	
Modern Factory for Steel Industries Co., Ltd.	
Oman Fasteners LLC.	
Orient Containers Sdn., Bhd.	
Orient Express Container Co., Ltd.	
Region System Sdn., Bhd.	
Region International Co., Ltd.	
RM Wire Industries Sdn. Bhd.	
Royal Logistics.	
SAR Transport Systems Pvt., Ltd.	
Soon Shing Building Materials Sdn., Bhd.	
Storeit Services LLP.	
Tag Fasteners Sdn., Bhd.	
Tag Staples Sdn., Bhd.	
Tampin Sin Yong Wai Industry Sdn., Bhd.	
Teamglobal Logistics Pvt., Ltd.	
Top Remac Industries.	
Trinity Steel Private Limited.	
UD Industries Sdn., Bhd.	
Vien Group Sdn., Bhd.	
Watasan Industries Sdn., Bhd.	
WWL India Private Ltd.	
OMAN: Certain Steel Nails A–523–808	7/1/20–6/30/21
Airlift Trans Oceanic Pvt. Ltd.	
Al Kiyumi Global LLC.	
Al Sarah Building Materials LLC.	
Astrotech Steels Private Ltd.	
CL Synergy (Pvt) Ltd.	
Geekay Wires Ltd.	
Gulf Steel Manufacturers LLC.	
Modern Factory For Metal Products.	
Oman Fasteners LLC.	
Omega Global Uluslararasi Tasimacilik Lojistik Ticaret Ltd Sti.	
Overseas International Steel Industry, LLC.	
Swift Freight India Private Ltd.	
Trinity Steel Pvt. Ltd.	
Universal Freight Services LLC.	
WWL Indian Private Ltd.	
REPUBLIC OF KOREA: Certain Steel Nails A–580–874	7/1/20–6/30/21
Agl Co., Ltd.	
Air Tiger Express (Asia), Inc.	
Airlift Trans Oceanic Private Limited.	
Am Global Shipping Lines Co, Ltd.	
American Ocean Marinetime Inc.	
Americana Express (Shandong) Co. Ltd.	
Ansing Fasteners Co. Ltd.	
Astrotech Steels Private Limited.	
Beijing Catic Industry Limited.	
Beijing Jinheung Co., Ltd.	
Beijing Kang Jie Kong Cargo Agent Co., Ltd.	
Big Mind Group Co., Ltd.	
Bollore Logistics China Co., Ltd.	
Bondex Logistics Co., Ltd.	
Brilliant Logistics Group Inc.	
C.H. Robinson Freight Services Korea Ltd.	
Capital Freight Management Inc.	
Cargo Advantage Network Limited.	
Cargo Services (Tianjin) Co., Ltd.	
Casia Global Logistics Co. Ltd.	
Changzhou Kya Trading Co., Ltd.	
China Int'l Freight Co., Ltd.	
China Staple Enterprise Tianjin Co. Ltd.	
Chinatrans International Limited.	
City Ocean Logistics Co., Ltd.	
CML Grandcorp Logistics Co., Ltd.	
Cohesion Freight (HK) Limited.	
D&F Material Products Ltd.	

	Period to be reviewed
Da Wu Supply Chain Management Co.	
Daejin Steel Company.	
DahNay Logistics Private Limited.	
Daijin Express Co., Ltd.	
Dcs Dah Star Logistics Co., Ltd.	
De Well Container Shipping Inc.	
De Well Group Korea Co., Ltd.	
Dele International Logistics Co.	
Dezhou Hualude Hardware Products Co. Ltd.	
DLF Industry Co., Limited.	
Dongjin Logistics Co., Ltd.	
Doublemoon Hardware Company Ltd.	
DSV Air & Sea Co., Ltd.	
DT China (Shanghai) Ltd.	
Dynamic Network Container Line Ltd.	
Ejen Brothers Limited.	
England Rich Group (China) Ltd.	
E-Top Shipping Co, Ltd.	
Eunsan Shipping & Aircargo Co., Ltd.	
Euro Line Global Co., Ltd.	
Eusu Logistics Co., Ltd.	
Ever Leading International Inc.	
Everstar Logistics Company Limited.	
Expeditors Korea Ltd.	
Expeditors Taiwan Co. Ltd.	
Fastgrow International Co., Inc.	
Freight Mark Asia (M) Sdn. Bhd.	
G Link Logistics Co., Ltd.	
Geekay Wires Limited.	
Global Container Line.	
Glovis America, Inc.	
GWP Industries (Tianjin) Co., Ltd.	
Haas Automation Inc.	
Han Express Co. Ltd.	
Hanbit Logistics Co Ltd.	
Handuk Industrial Co., Ltd.	
Hanmi Staple Co., Ltd.	
Headwin Logistics Co., Ltd.	
Hebei Cangzhou New Century Foreign Trade Co., Ltd.	
Hebei Longshengyuan Trade Co Ltd.	
Hebei Minmetals Co., Ltd.	
Hebei Shinyee Trade Co. Ltd.	
Hecny Shipping Limited.	
Hecny Transportation (Shanghai) Ltd.	
Hengtuo Metal Products Company Limited.	
Home Value Co., Ltd.	
Hongyi (Hk) Hardware Products Co., Limited.	
Hongyi (Hk) Industrial Co. Limited.	
Honour Lane Logistics Sdn. Bhd.	
Honour Lane Shipping Ltd.	
Huanghua RC Business Co., Ltd.	
Huanghua Yingjin Hardware Products Co., Ltd.	
Huanghua Yiqihe Imp. & Exp. Co., Ltd.	
Inmax Industries Sdn. Bhd.	
Jas Forwarding (Korea) Co., Ltd.	
Jayhow International Logistics Co., (Tianjin) Ltd.	
Jcd Group Co., Limited.	
Je-il Wire Production Co., Ltd.	
JHJ International Transportation Co., Ltd.	
Jining Jufu International Trade Co..	
Joo Sung Sea & Air Co., Ltd.	
Jushiqiangsen (Tianjin) International Trade Co., Ltd.	
K-Apex Logistics (Qingdao) Co., Ltd.	
K-Apex Logistics (Tianjin) Co., Ltd.	
Kerry Logistics (M) Sdn. Bhd.	
Kerry-Apex (Thailand) Co., Ltd.	
Koram Inc Korea Wire Co., Ltd.	
Korea Wire Co., Ltd.	
Kuehne & Nagel Ltd.	
Kwise Logistics (Shandong)Co., Ltd.	
LF Logistics (China) Co., Ltd.	
Linkone Logistics Co., Ltd.	
Linyi Double-Moon Hardware Products Co., Ltd.	

	Period to be reviewed
Linyi Flyingarrow Imp. & Exp. Co. Ltd.	
Linyi Jianchengde Metal Hardware Co.	
Linyi Yitong Chain Co., Ltd.	
Max Co., Ltd.	
Maxwide Logistics Inc.	
Mega Logistics Ltd.	
Mingguang Ruifeng Hardware Products Co., Ltd.	
Nailtech Co., Ltd.	
Nanjing Senqiao Trading Co., Ltd.	
Neptune Shipping Limited.	
Neptune Supply Chain Technology Shanghai Limited.	
Ocean King International Industries Limited.	
Oceanlink/Topair International Co., Ltd.	
Oec Freight Worldwide Co., Ltd.	
Oec Logistics (Qingdao) Co., Ltd.	
Oec Worldwide Korea Co., Ltd.	
Orient Containers Sdn. Bhd.	
Orient Express Container Co., Ltd.	
Orient Star Transport International Ltd.	
Oriental Power Logistics Co., Ltd.	
Ouhua Supply Chain Management Co., Ltd.	
Ourun Logistics Pacific Express Line Co., Ltd.	
Parisi Grand Smooth Logistics Ltd.	
Paslode Fasteners (Shanghai) Co., Ltd.	
Peace Korea Co., Ltd.	
Pudong Prime Int'l Logistics, Inc.	
Qingdao A C Shipping Co., Ltd.	
Qingdao Ant Hardware Manufacturing Co., Ltd.	
Qingdao Best World Industry-Trading Co., Ltd.	
Qingdao Cheshire Trading Co., Ltd.	
Qingdao Friend International Logistics Co., Ltd.	
Qingdao Greatmicro Supply Chain Co., Ltd.	
Qingdao Hongyuan Nail Industry Co., Ltd.	
Qingdao Jcd Machinery Co., Ltd.	
Qingdao Jiawei Industry Co., Limited.	
Qingdao Jisco Co., Ltd.	
Qingdao Karin International Transportation Co., Ltd.	
Qingdao Master Metal Products Co., Ltd.	
Qingdao Meijialucky Industry And Co..	
Qingdao Mst Industry And Commerce Co., Ltd.	
Qingdao Ruitai Trade Co., Ltd.	
Qingdao Shantron Intl Trade Co., Ltd.	
Qingdao Shenghengtong Metal Products Co., Ltd.	
Qingdao Speedy-Express Logistics Co., Ltd.	
Qingdao Sun Star International Logistics Co., Ltd.	
Qingdao Sunrise Metal Products Co., Ltd.	
Qingdao Tian Heng Xiang Metal Products Co., Ltd.	
Qingdao Top Metal Industrial Co., Ltd.	
Ramses Logistics Company Limited.	
Regency Global Logistics (Shanghai) Co., Ltd.	
Rise Time Industrial Ltd.	
Rs Logistics Limited.	
Safround Logistics Co., Ltd.	
Sar Transport Systems Pvt. Ltd.	
Seamaster Global Forwarding (Shanghai) Ltd.	
Seatrade International Transportation Agency Co., Ltd.	
Shandong Dominant Source Group Co., Ltd.	
Shandong Guomei Industry Co., Ltd.	
Shanghai Curvet Hardware Products Co., Ltd.	
Shanghai Goldenbridge International Co., Ltd.	
Shanghai Pinnacle International Trading Co., Ltd.	
Shanghai Pudong International Transportation Co., Ltd.	
Shanghai Zoonlion Industrial Co., Ltd.	
Shanxi Pioneer Hardware Industrial Co., Ltd.	
Shanxi Sanhesheng Trade Co., Ltd.	
Shaoxing Bohui Import & Export Co., Ltd.	
Shenzhen Syntrans International Logistics Co., Ltd.	
Shijiazhuang Tops Hardware Manufacturing Co., Ltd.	
Shijiazhuang Yajiada Metal Products Co., Ltd.	
Sino Connections Logistics Inc.	
SSS Hardware International Trading Co., Ltd.	
Storeit Services LLP.	
Swift Freight India Pvt. Ltd.	

	Period to be reviewed
T.V.L. Container Line Limited.	
Tangshan Jason Metal Materials Co., Ltd.	
Test Rite International Co. Ltd.	
Tianjin Bluekin Industries Limited.	
Tianjin Coways Metal Products Co., Ltd.	
Tianjin Hongli Qiangsheng Import And Export Co., Ltd.	
Tianjin Hweschun Fasteners Manufacturing Co. Ltd.	
Tianjin Jinchi Metal Products Co., Ltd.	
Tianjin Jinghai County Hongli Industry and Business Co., Ltd.	
Tianjin Jinzhuang New Material Sci Co., Ltd.	
Tianjin Lianda Group Co., Ltd.	
Tianjin Sunward Logistics Co., Ltd.	
Tianjin Zhonglian Metals Ware Co., Ltd.	
Tianjin Zhonglian Times Technology Co., Ltd.	
Toll Global Forwarding (Hong Kong) Limited.	
Top Logistics Korea Co., Ltd.	
Topocean Consolidation Service (China) Ltd.	
Total Glory Logistics Co., Ltd.	
Trans Knights International Logistics (Shanghai) Co., Ltd.	
Translink Shipping, Inc.	
TTI Freight Forwarder Co., Ltd.	
U.S. United Logistics (Ningbo) Inc.	
Ubi Logistics (China) Limited.	
Un Global Company Limited.	
Unicorn (Tianjin) Fasteners Co., Ltd.	
United Company For Metal Products.	
Ups Scs Korea Ltd.	
Uqi Shipping Inc.	
W&K Corporation Limited.	
Weida Freight System Co., Ltd.	
Weifang Wenhe Pneumatic Tools Co., Ltd.	
Worldwide Logistics Co., Ltd.	
Wulian Zhanpengmetals Co., Ltd.	
WWL India Private Ltd.	
Xian Metals And Minerals Import And Export Co., Ltd.	
Youngwoo Fasteners Co., Ltd.	
Zhangjiagang Lianfeng Metals Products Co., Ltd.	
Zhaoqing Harvest Nails Co., Ltd.	
REPUBLIC OF KOREA: Corrosion-Resistant Steel Products A–580–878	7/1/20–6/30/21
Dongbu Incheon Steel Co., Ltd.	
Dongbu Steel Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Hyundai Steel Company.	
KG Dongbu Steel Co., Ltd (formerly Dongbu Steel Co., Ltd).	
POSCO.	
POSCO Coated & Color Steel Co., Ltd.	
POSCO International Corporation (formerly POSCO Daewoo Corporation).	
SOCIALIST REPUBLIC OF VIETNAM: Certain Steel Nails A–552–818	7/1/20–6/30/21
Atlantic Manufacture Inc.	
Bollore Logistics Vietnam Co., Ltd.	
C.H. Robinson WorldWide Freight India Pvt., Ltd.	
City Ocean Logistics Co., Ltd.	
Come Best (Thailand) Co., Ltd.	
Delmar International (Vietnam) Ltd.	
Dicha Sombrilla Co., Ltd.	
Easy Link Industrial Co. Ltd.	
Expeditors Vietnam Company Limited.	
Freight Mark Asia (Thailand) Co., Ltd.	
Geekay Wires Limited.	
Gia Linh Logistics Services Co., Ltd.	
Honour Lane Logistics Co., Ltd.	
Honour Lane Shipping Limited.	
Inmax Industries Sdn., Bhd.	
Jinhai Hardware Co., Ltd.	
Kerry Indev Logistics Private Limited.	
KPF Vietnam Co., Ltd.	
KPF Vina Co., Ltd.	
Legend Cargo Logistics Company Limited.	
Mtk Logistics Company Limited.	
Orient Express Container (Thailand) Co., Ltd.	
Orient Star Transport International Ltd.	
Orient Star Logistics Co., Ltd.	
Pudong Prime International Co., Ltd.	

	Period to be reviewed
Region Industries Co., Ltd.	
Rich State, Inc.	
Safround Logistics Co., Ltd.	
Shine International Transportation (HK) Ltd.	
Sino Connections Logistics (Thailand) Co., Ltd.	
Storeit Services LLP.	
Success Progress International Transport J.S.C.	
T.H.I Group (Shanghai) Limited.	
The Inno Steel Co., Ltd.	
Topy Fasteners Vietnam Co., Ltd.	
Truong Vinh Ltd.	
United Nail Products Co., Ltd.	
Vina Hardwares J.S.C.	
TAIWAN: Certain Steel Nails A–583–854	7/1/20–6/30/21
Acu-Transport Co., Ltd.	
Allwin Architectural Hardware Inc.	
Alsons Manufacturing India LLP.	
An Chen Fa Machinery Co., Ltd.	
Aplus Pneumatic Corp.	
Astrotech Steels Pvt. Ltd.	
Bollore Logistics India Private Ltd.	
Bon Voyage Logistics Inc.	
Bonuts Hardware Logistics Co., Ltd.	
Boss Precision Works Co., Ltd.	
C.H. Robinson Freight Services Ltd.	
C.H. Robinson World Wide India Pvt. Ltd.	
Casia Global Logistics Co., Ltd.	
Cheng CH International Co., Ltd.	
Chia Pao Metal Co., Ltd.	
Chief Ling Entreprise Co., Ltd.	
China Intl. Freight Co., Ltd.	
China Sea Forwarders Co., Ltd.	
China Staple Enterprise Corporation.	
Chite Enterprises Co., Ltd.	
Crane Worldwide Logistics LLC.	
Create Trading Co., Ltd.	
Crown Run Industrial Corp.	
De Fasteners Inc.	
De Well Container Shipping Inc.	
DHL Global Forwarding Sg. Pte. Ltd.	
Diversified Freight System Corporation.	
Easylink Industrial Co., Ltd.	
Encore Green Co., Ltd.	
Eusu Logistics Co., Ltd.	
Evergreen Logistics Corp.	
Everise Global Logistics Co., Ltd.	
Faithful Engineering Products Co., Ltd.	
Geekay Wires Limited.	
General Merchandise Consolidators, Inc.	
Grandlink Logistics Co., Ltd.	
Honour Lane Logistics Company Ltd.	
Honour Lane Shipping Ltd.	
Hor Liang Industrial Corp.	
Houseware Taiwan Industries Ltd.	
Hoyi Plus Co., Ltd.	
Inmax Industries Sdn. Bhd.	
Integral Building Products Inc.	
Interactive Corp.	
Jade Shuttle Enterprise Co., Ltd.	
Jau Yeou Industry Co., Ltd.	
JC Grand Corporation.	
Jen Ju Enterprise Co., Ltd.	
Jet Crown International Co., Ltd.	
Jiajue Industrial Co., Ltd.	
Jinsco International Corp.	
Kay Guay Entreprises Co., Ltd.	
K.E. & Kingstone Co., Ltd.	
Kerry Indev Logistics Private Limited.	
King Chuang Wen Trading Co., Ltd.	
King Compass Logistics Limited.	
King Freight International Corp.	
Ko's Nail Inc.	
Korea Wire Co., Ltd.	

	Period to be reviewed
Liang Kai Co.	
Liang Chyuan Industrial Co., Ltd.	
Lien Bin Industries Co., Ltd.	
Linkwell Industry Co., Ltd.	
Locksure Inc.	
Lu Kang Hand Tools Industrial Co., Ltd.	
Master United Corp.	
Maytrans International Corp.	
Ming Cheng Hardware Co., Ltd.	
Nailermate Enterprise Corporation.	
Nailtech Co., Ltd.	
Newrex Screw Corporation.	
New Marine Consolidator Co., Ltd.	
NMC Logistics International Co., Ltd.	
Oceanlink/Topair International Co..	
OEC Freight Worldwide Co., Ltd.	
Orient Containers Sdn., Bhd.	
Orient Express Container Co., Ltd.	
Orient Star International Logistics Co., Ltd.	
Orient Star Transport International Ltd.	
Oriental Vanguard Logistics Co., Ltd.	
Pacific Concord International Ltd.	
Pacific Star Express Corp.	
Panda Logistics Co., Ltd.	
Panther T&H Industry Co.	
Patek Tool Co., Ltd.	
Point Edge Corp.	
President Industrial Inc.	
Pro Team Coil Nail Enterprise Incor.	
PT Enterprise, Inc.	
Ray Fu Entreprise Co., Ltd.	
Region Industries Co., Ltd.	
Region System Sdn. Bhd.	
Romp Coil Nail Industries Inc.	
SAR Transport Systems Pvt. Ltd.	
Schenker (H.K.) Ltd.	
Shinn Chuen Corp.	
Six2 Fastener Imports Inc.	
Storeit Services LLP.	
Success Progress International Tran.	
Taiwan Shan Yin International Co., Ltd.	
Taiwan Wakisangyo Co., Ltd.	
Techart Mechanical Corporation.	
Test-Rite Int'l Co., Ltd.	
Theps Co., Ltd.	
T.H.I. Logistics Co., Ltd.	
T.V.L. Container Line Limited.	
The Ultimate Freight Management (Taiwan) Ltd.	
Topocean Consolidation Service (Taiwan) Ltd.	
Trans Luck Global Logistics Co., Ltd.	
Trans-Top Enterprise Co., Ltd.	
Trans Wagon International Co., Ltd.	
Transwell Logistics Co., Ltd.	
Transworld Transportation Co., Ltd.	
Trim International Inc.	
U-Can-Do Hardware Corp.	
UJL Industries Co., Ltd.	
Unicatch Industrial Co., Ltd.	
UPS Supply Chain Solutions (Taiwan) Co., Ltd.	
Valuemax Products Co., Ltd.	
Vim International Enterprise Co., Ltd.	
Wattson Fastener Group Inc.	
Wictory Co., Ltd.	
Wiresmith Industrial Co., Ltd.	
Worldwide Logistics Co., Ltd.	
Yehdyi Enterprise Co., Ltd.	
Yu Chi Hardware Co., Ltd.	
Zhishan Xing Enterprise Co., Ltd.	
Zon Mon Co., Ltd.	
TAIWAN: Corrosion-Resistant Steel Products A–583–856	7/1/20–6/30/21
Prosperity Tieh Enterprise, Co., Ltd.	
Sheng Yu Steel Co., Ltd.	
Synn Industrial Co., Ltd.	

	Period to be reviewed
Yieh Phui Enterprise Co., Ltd.	
TAIWAN: Polyethylene Terephthalate (Pet) Film A–583–837	7/1/20–6/30/21
Nan Ya Plastics Corporation.	
Shinkong Materials Technology Corporation.	
THAILAND: Citric Acid and Certain Citrate Salts A–549–833	7/1/20–6/30/21
COFCO Biochemical (Thailand) Co., Ltd.	
Sunshine Biotech International Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Grating A–570–947	7/1/20–6/30/21
Bai Mu Da Llc.	
Longkou Guangbang International.	
Longkou Guangbang International Trade Co., Ltd.	
Weihai Gaosai Metal Products Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Collated Steel Staples A–570–112	1/8/20–6/30/21
China Staple (Tianjin) Co., Ltd.	
Shanghai Yueda Nails Co., Ltd.	
Shijiazhuang Shuangming Trade Co., Ltd.	
Tianjin Hweschun Fasteners Manufacturing Co., Ltd.	
Tianjin Jinyifeng Hardware Co., Ltd.	
Unicom Fasteners Co., Ltd.	
Zhejiang Best Nail Industrial Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Corrosion-Resistant Steel Products A–570–026	7/1/20–6/30/21
Metalco S.A,.	
THE PEOPLE'S REPUBLIC OF CHINA: Xanthan Gum.	
A–570–985 7/1/20–6/30/21.	
CP Kelco (Shandong) Biological Company Limited.	
Deosen Biochemical (Ordos) Ltd.	
Deosen Biochemical Ltd.	
Inner Mongolia Jianlong Biochemical Co., Ltd.	
Jianlong Biotechnology Co., Ltd.	
Langfang Meihua Biotechnology Co., Ltd.	
Meihua Group International Trading (Hong Kong) Limited.	
Nanotech Solutions SDN BHD.	
Neimenggu Fufeng Biotechnologies Co., Ltd (aka Inner Mongolia Fufeng.	
Biotechnologies Co., Ltd).	
Shandong Fufeng Fermentation Co., Ltd.	
Shanghai Smart Chemicals Co. Ltd.	
Xinjiang Fufeng Biotechnologies Co., Ltd.	
Xinjiang Meihua Amino Acid Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Chloropicrin [5] A–570–002	3/1/20–9/21/20
TURKEY: Steel Concrete Reinforcing Bar A–489–829	7/1/20–6/30/21
Colakoglu Dis Ticaret A.S.	
Colakoglu Metalurji A.S.	
Diler Dis Ticaret A.S.	
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.	
Icdas Celik Enerj i Tersane ve Ulasim.	
Kaptan Demir Celik Endustrisi ve Ticaret A.S.	
Sami Soybas Demir Sanayi ve Ticaret A.S.	
UKRAINE: Oil Country Tubular Goods A–823–815	7/1/20–6/30/21
Interpipe Europe S.A.	
Interpipe Ukraine LLC.	
LLC Interpipe Niko Tube.	
PJSC Interpipe Niznedneprovskv Tube Rolling Plant (aka Interpipe NTRP).	
CVD Proceedings Period to be Reviewed.	
INDIA: Polyethylene Terephthalate (Pet) Film C–533–825	1/1/20–12/31/20
Ester Industries Ltd.	
Garware Polyester Ltd.	
Jindal Poly Films Limited [6].	
MTZ Polyesters Ltd.	
Polyplex Corporation Ltd.	
SRF Limited.	
Uflex Ltd.	
Vacmet India Limited.	
ITALY: Certain Pasta	
C–475–819 1/1/20–12/31/20.	
Industria Alimentare Colavita, S.p.A.	
Pastificio Favellato srl.	
Pastificio Mediterranea S.R.L.	
REPUBLIC OF KOREA: Corrosion-Resistant Steel Products C–580–879	1/1/20–12/31/20
Ajin H & S Co., Ltd.	
AJU Steel Co. Ltd.	
B&N International.	
CDS Global Logistics.	
Daewon SD Co., Ltd.	

	Period to be reviewed
Dong A Hwa Sung Co., Ltd.	
Dongbu Incheon Steel Co., Ltd.	
Dongbu Steel Co., Ltd.	
KG Dongbu Steel Co., Ltd. (formerly Dongbu Steel Co., Ltd.).	
Dongkuk International, Inc.	
Hyundai Steel.	
Hyundai Steel Company.	
Jawon Korea Co., Ltd.	
Kima Steel Corporation.	
Korea Clad Tech. Co., Ltd.	
Pantos Logistics Co., Ltd.	
PL Special Steel Co., Ltd.	
POSCO.	
POSCO Coated & Color Steel Co., Ltd.	
POSCO Daewoo Corp.	
Prosperity Tieh Enterprise Co., Ltd.	
Samsung C&T Corporation.	
Samsung Electronics Co., Ltd.	
Sanglim Steel Co., Ltd.	
SeAH Coated Metal.	
SeAH Steel Corporation.	
Seajin St. Industry, Ltd.	
Sejung Shipping Co., Ltd.	
Seun Steel Co., Ltd.	
Segye Chemical Industry Co., Ltd.	
Shengzhou Hanshine Import and Export Trade.	
Soon Hong Trading Co., Ltd.	
SSangyong Manufacturing.	
Sung A Steel Co., Ltd.	
SW Co., Ltd.	
SY Co., Ltd.	
Syon.	
TCC Steel. Co., Ltd.	
Young Steel Korea Co., Ltd.	
Young Sun Steel Co.	
Young Steel Co.	
Yuchang Air Con Co., Ltd.	
SOCIALIST OF REPUBLIC OF VIETNAM: Certain Steel Nails C–552–819	1/1/20–12/31/20
Atlantic Manufacture Inc.	
Bollore Logistics Vietnam Co., Ltd.	
C.H. Robinson WorldWide Freight India Pvt., Ltd.	
City Ocean Logistics Co., Ltd.	
Come Best (Thailand) Co., Ltd.	
Delmar International (Vietnam) Ltd.	
Dicha Sombrilla Co., Ltd.	
Easy Link Industrial Co. Ltd.	
Expeditors Vietnam Company Limited.	
Freight Mark Asia (Thailand) Co., Ltd.	
Geekay Wires Limited.	
Gia Linh Logistics Services Co., Ltd.	
Honour Lane Logistics Co., Ltd.	
Honour Lane Shipping Limited.	
Inmax Industries Sdn., Bhd.	
Jinhai Hardware Co., Ltd.	
Kerry Indev Logistics Private Limited.	
KPF Vietnam Co., Ltd.	
KPF Vina Co., Ltd.	
Legend Cargo Logistics Company Limited.	
Mtk Logistics Company Limited.	
Orient Express Container (Thailand) Co., Ltd.	
Orient Star Transport International Ltd.	
Orient Star Logistics Co., Ltd.	
Pudong Prime International Co., Ltd.	
Region Industries Co., Ltd.	
Rich State, Inc.	
Safround Logistics Co., Ltd.	
Shine International Transportation (HK) Ltd.	
Sino Connections Logistics (Thailand) Co., Ltd.	
Storeit Services LLP.	
Success Progress International Transport J.S.C.	
T.H.I Group (Shanghai) Limited.	
The Inno Steel Co., Ltd.	
Topy Fasteners Vietnam Co., Ltd.	

	Period to be reviewed
Truong Vinh Ltd.	
United Nail Products Co., Ltd.	
Vina Hardwares J.S.C.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Grating.	
C–570–948 1/1/20–12/31/20.	
Bai Mu Da Llc.	
Longkou Guangbang International.	
Longkou Guangbang International Trade Co., Ltd.	
Weihai Gaosai Metal Products Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Collated Steel Staples C–570–113	11/12/19–12/31/20
A-Jax International Co., Ltd.	
Anping Haotie Metal Technology Co.	
Changzhou Kya Trading Co., Ltd.	
China Dinghao Co., Ltd.	
China Staple Enterprise (Tianjin) Co., Ltd.	
China Wind International Ltd.	
Dezhou Hualude Hardware Products Co., Ltd.	
Dt China (Shanghai) Ltd, Ningbo Branch.	
Ejen Brothers Limited.	
eTeklon Co., Ltd.	
Fastnail Products Limited.	
Foshan Chan Seng Import and Export Co., Ltd.	
Guangdong Meite Mechanical Co., Ltd.	
H&B Promotional Limited.	
Hangzhou Great Import & Export Co., Ltd.	
Hangzhou Light Industrial Products, Arts & Crafts, Textiles Import & Export Co., Ltd Hangzhou Strong Lion New Material Co., Ltd.	
Hebei Cangzhou New Century Foreign Trade Co., Ltd.	
Hebei Jinshi Industrial Metal Co., Ltd.	
Hebei Machinery Import and Export Co., Ltd.	
Hebei Minmetals Co., Ltd.	
Hengtuo Metal Products Co., Ltd.	
Hk Quanyi Coil Spring Metals Product Limited.	
Huanghua Baizhou Trading Co., Ltd.	
Jiangmen Rui Xing Yuan Import and Export Co., Ltd.	
Jiaxing Brothers Hardware Co., Ltd.	
Jinhua Qual Max Trading Co., Ltd.	
Kinglong Manufacturing Co., Ltd.	
Milan Pacific International Limited.	
Mingguang Ruifeng Hardware Products Co., Ltd.	
Ningbo (Yinzhou) Yongjia Electrical Tools Co., Ltd.	
Ningbo Alldo Stationery Co., Ltd.	
Ningbo Deli Import & Export Co., Ltd.	
Ningbo Guangbo Import & Export Co., Ltd.	
Ningbo Huayi Import & Export Co., Ltd.	
Ningbo Mascube Imp. & Exp. Corp.	
Ningbo Mate Import & Export Co., Ltd.	
Ningbo Pacrim Manufacturing Co., Ltd.	
Ningbo S-Chande Import & Export Co., Ltd.	
Ningbo Sunlit International Co., Ltd.	
Ningbo Yuanyu Imp. & Exp. Co., Ltd.	
Ninghai Huihui Stationery Co., Ltd.	
Oli-Fast Fasteners (Tianjin).	
Qingdao Top Metal Industrial Co., Ltd.	
Qingdao Top Steel Industrial Co., Ltd.	
Rayson Electrical Mfg., Ltd.	
Rebon Building Material Co., Limited.	
Rise Time Industrial Ltd.	
Shanghai Genmes Office Products Co., Ltd.	
Shanghai Jade Shuttle Hardware.	
Shanghai Lansi Trading Co., Ltd.	
Shanghai Yinwo Technologies Development Co., Ltd.	
Shanghai Yueda Nails Co., Ltd.	
Shaoxing Best Nail Industrial Co., Ltd.	
Shaoxing Bohui Import Export Co., Ltd.	
Shaoxing Feida Nail Industry Co., Ltd.	
Shaoxing Huasheng Stationery Manufacturing Co., Ltd.	
Shaoxing Jingke Hardware Co., Ltd.	
Shaoxing Mingxing Nail Co., Ltd.	
Shaoxing Shunxing Metal Producting Co., Ltd.	
Shaoxing Xinyi Hardware & Tools Co., Ltd.	
Shaoxing Yiyou Stationery Co., Ltd.	
Shenzhen Jinsunway Mould Co., Ltd.	

	Period to be reviewed
Shijiazhuang Shuangming Trade Co., Ltd.	
Shouguang Hongsheng Import and Export Co., Ltd.	
Shun Far Enterprise Co., Ltd.	
Suntec Industries Co., Ltd.	
Suqian Real Faith International Trade Co., Ltd.	
Taizhou Dajiang Ind. Co., Ltd.	
Team One (Shanghai) Co., Ltd.	
Tianjin Bluekin Industries Co., Ltd.	
Tianjin D&C Technology Development.	
Tianjin Huixinshangmao Co., Ltd.	
Tianjin Hweschun Fasteners Manufacturing Co., Ltd.	
Tianjin Jin Xin Sheng Long Metal Products Co., Ltd.	
Tianjin Jinyifeng Hardware Co., Ltd.	
Tsi Manufacturing LLC.	
Tung Yung International Limited.	
Unicom (Tianjin) Fasteners Co., Ltd.	
Wire Products Manufacturing Co., Ltd.	
Yangjiang Meijia Economic & Trade Co., Ltd.	
Youngwoo (Cangzhou) Fasteners Co., Ltd.	
Yuchen Imp. and Exp. Co, Ltd.	
Yueqing Yuena Electric Science and Technology Co., Ltd.	
Zhejiang Best Nail Industrial Co., Ltd.	
Zhejiang Fairtrade E-Commerce Co., Ltd.	
Zhejiang KYT Technology Co., Ltd.	
TURKEY: Certain Pasta C–489–806	1/1/20–12/31/20
Bessan Makarna Gida San. Ve Tic. A.S.	
TURKEY: Steel Concrete Reinforcing Bar C–489–830	1/1/20–12/31/20
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.	

Suspension Agreements

None

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[7] available at *https://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[8]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[9] Commerce intends to

[7] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[8] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 41363 (July 10, 2020).

[9] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding

reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[10] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: August 31, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–19190 Filed 9–3–21; 8:45 am]

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the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[10] *See* 19 CFR 351.302.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–876]

Fine Denier Polyester Staple Fiber From India: Final Results of Countervailing Duty Administrative Review; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Reliance Industries Limited (Reliance) received countervailable subsidies that are above *de minimis* during the period of review (POR), January 1, 2019, through December 31, 2019.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, 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) 482–3609.

SUPPLEMENTARY INFORMATION:

Background

On May 18, 2021, Commerce published the *Preliminary Results* of this review.[1] A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, are discussed in 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 *https://enforcement.trade.gov/frn/.*

Scope of the Order

The merchandise covered by this order is fine denier polyester staple fiber (fine denier PSF). For a complete description of the scope of this order, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the interested parties' case and rebuttal briefs are addressed in the Issues and Decision Memorandum. Based on our analysis of the comments received from interested parties and record information, we revised the prohibited subsidy rate calculated for Reliance.

Methodology

Commerce conducted this administrative 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 countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[3] For a description of the methodology underlying Commerce's conclusions, see the Issues and Decision Memorandum.

Final Results of the Administrative Review

In accordance with section 751(a)(1) of the Act and 19 CFR 351.221(B)(5), we find the net countervailable subsidy rate for the POR January 1, 2019, through December 31, 2019 to be as follows:

Company	Subsidy rate (percent *ad valorem*)
Reliance Industries Limited ..	4.89

Assessment and Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (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).

In accordance with section 751(a)(1) of the Act, we also intend to instruct

[1] *See Fine Denier Polyester Staple Fiber from the Republic of India: Preliminary Results of Countervailing Duty Administrative Review; 2019,* 86 FR 26903 (May 18, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2019 Administrative Review of the Countervailing Duty Order on Fine Denier Polyester Staple Fiber from India,'' dated concurrently, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *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(5)(A) of the Act regarding specificity.

CBP to collect cash deposits of estimated countervailing duties in the amount shown 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.

Disclosure

Commerce intends to disclose the calculations and analysis performed for these final results to interested parties within five days of the date of publication of this notice in the **Federal Register**.[4]

Administrative Protective Order

This notice also 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 315.305(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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: September 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Use of Facts Otherwise Available and Application of Adverse Inferences
V. Subsidies Valuation Information
VI. Analysis of Programs
VII. Discussion of the Issue
Comment: Prohibited Subsidy Rate
VIII. Recommendation

[FR Doc. 2021–19370 Filed 9–3–21; 8:45 am]

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[4] *See* 19 CFR 351.224(b).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–871]

Finished Carbon Steel Flanges From India: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that producers/exporters of finished carbon steel flanges from India (flanges), including R.N. Gupta & Co. (Gupta) and the Norma Group sold subject merchandise at prices below normal value (NV) during the period of review (POR) August 1, 2019, through July 31, 2020.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Fred Baker, George McMahon, or Margaret Collins, 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) 482–2924, (202) 482–1167, or (202) 482–6250, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 2020, we published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on flanges from India, for the period August 1, 2019, through July 31, 2020.[1] Subsequently, Commerce received timely requests for an administrative review from the petitioners,[2] Gupta, the Norma Group, Bebitz Flanges Works Private Limited (Bebitz), Jai Auto Pvt. Ltd. of India (Jai Auto), Munish Forge Private Limited, Balkrishna Steel Forge Pvt. Ltd., and Aditya Forge Ltd.[3] On October 6, 2020, Commerce initiated an administrative review of the *Order* with respect to 41 companies.[4] On November 12, 2020, Commerce selected Gupta and the Norma Group [5] as the mandatory respondents for this review.[6] On April 27, 2021, Commerce extended the deadline for the preliminary results of this review until August 31, 2021.[7] For a complete description of the events that followed the initiation of this review,

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 47167 (August 4, 2020); *see also Finished Carbon Steel Flanges from India and Italy: Antidumping Duty Orders,* 82 FR 40136 (August 24, 2017) (*Order*).

[2] The petitioners are Weldbend Corporation and Boltex Manufacturing Co., L.P. (collectively, the petitioners).

[3] *See* Petitioners' Letter, ''Request for Administrative Review,'' dated August 31, 2020; *see also* Gupta's Letter, ''Finished Carbon Steel Flanges from India: Request for Anti-Dumping Duty Administrative Review,'' dated August 28, 2020; Norma Group's Letter, ''Request for Entry of Appearance in the Anti-Dumping Duty Administrative Review for Norma (India) Limited, USK Export Private Limited, Umashanker Khandelwal and Co. and Bansidhar Chiranjilal,'' dated August 27, 2020; Bebitz's Letter, ''Finished Carbon Steel Flanges from India: Requests for Administrative Review,'' dated August 28, 2020; Jai Auto's Letter, ''Request for Anti-Dumping Duty Administrative Review of Finished Carbon Steel Flanges from India,'' dated August 31, 2020; Munish Forge Private Limited's Letter, ''Finished Carbon Steel Flanges from India: Request for Anti-Dumping Duty Administrative Review,'' dated August 27, 2020; Balkrishna Steel Forge Pvt. Ltd.'s Letter, ''Carbon Steel Flanges from India, Antidumping & Countervailing Duty,'' dated August 31, 2020; and Aditya Forge Ltd.'s Letter, ''Request for Anti-Dumping Duty Administrative Review of Finished Carbon Steel Flanges from India,'' dated August 31, 2020.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[5] In prior segments of this proceeding, we determined that Norma (India) Limited; USK Exports Private Limited; Uma Shanker Khandelwal & Co.; and Bansidhar Chiranjilal should be collapsed and treated as a single entity (the Norma Group). *See Finished Carbon Steel Flanges from India: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 82 FR 9719 (February 8, 2017) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum at 4–5, unchanged in *Finished Carbon Steel Flanges from India: Final Determination of Sales at Less Than Fair Value,* 82 FR 29483 (June 29, 2017) (*Final Determination*); *Finished Carbon Steel Flanges from India: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 57848, 57849 (October 29, 2019), unchanged in *Finished Carbon Steel Flanges from India: Final Results of Antidumping Duty Administrative Review; 2017–2018,* 85 FR 21391 (April 17, 2020); *Finished Carbon Steel Flanges from India: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019,* 85 FR 83051, 83052 (December 21, 2020), unchanged in *Finished Carbon Steel Flanges from India: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 33226 (June 24, 2021). In this review, the Norma Group presented evidence that the factual basis on which Commerce made its prior determination has not changed. *See* Norma Group's Letter, ''Finished Carbon Steel Flanges from India: Response to Section A–D of Antidumping Duty Supplemental Questionnaire,'' dated August 11, 2021 at S1–2–S1–8. Therefore, in this administrative review, Commerce continues to collapse and treat these four companies as a single entity.

[6] *See* Memorandum, ''Antidumping Duty Administrative Review of Finished Carbon Steel Flanges from India: Respondent Selection,'' dated November 12, 2020.

[7] *See* Memorandum, ''Antidumping Duty Order on Finished Carbon Steel Flanges from India: Extension of Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,'' dated April 27, 2021.

see the Preliminary Decision Memorandum.[8]

Scope of the Order

The merchandise covered by the *Order* is finished carbon steel flanges from India. The product is currently classified under subheadings 7307.91.5010 and 7307.91.5050 of the Harmonized Tariff System of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive.[9]

Rate for Non-Selected Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act). Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''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 any margins determined entirely {on the basis of facts available}.''

We preliminarily calculated a 0.77 percent dumping margin for Gupta and a 4.38 percent dumping margin for the Norma Group, the mandatory respondents in this review, and we have assigned to the non-selected companies a rate of 2.25 percent, which is the weighted-average of Gupta's and the Norma Group's margins based on public data.[10] For additional information, *see* the Preliminary Decision Memorandum. The Preliminary 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 Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/index.html.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Export price is calculated in accordance with section 772 of the Act and NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, Commerce preliminarily determines that the following weighted-average dumping margins exist for the period August 1, 2019, through July 31, 2020:

Producers/exporters	Weighted-average dumping margin (percent)
R. N. Gupta & Co., Ltd	0.77
Norma (India) Limited/USK Exports Private Limited/ Uma Shanker Khandelwal & Co./Bansidhar Chiranjilal	4.38
Non-Selected Companies [11]	2.25

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.[12] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

All submissions to Commerce must be filed electronically using ACCESS, and must also be served on interested parties.[14] An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the date that the document is due.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days of publication of this notice.[15] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

Pursuant to section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended.[16]

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[17]

For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.,* greater than or equal to 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer, and we will instruct CBP to assess antidumping duties on all

[8] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Finished Carbon Steel Flanges from India; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

[10] *See, e.g., Xanthan Gum from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, and Partial Rescission; 2018–2019,* 85 FR 75686, 74687 (November 23, 2020); *Albemarle Corp.* v. *United States,* 821 F. 3d 1345 (Fed. Cir. 2016); *Emulsion Styrene-Butadiene Rubber from the Republic of Korea: Preliminary Results of the Administrative Review of the Antidumping Duty Order; 2018–2019,* 85 FR 39534 (July 1, 2020); and Memorandum, ''Preliminary Results of the Antidumping Duty Administrative Review of Finished Carbon Steel Flanges from India: Calculation of Margin for Respondents Not Selected for Individual Examination,'' dated August 31, 2021.

[11] *See* Appendix II for a full list of non-selected companies.

[12] *See* 19 CFR 351.309(c)(1)(ii).

[13] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.303(f).

[15] *See* 19 CFR 351.310(c).

[16] *See* section 751(a)(3)(A) of the Act; *see also* 19 CFR 351.213(h).

[17] *See* 19 CFR 351.212(b)(1).

appropriate entries covered by this review. For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[18] Where either the individually-selected respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we intend to assign an assessment rate based on the methodology described in the ''Rates for Non-Examined Companies'' section. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 8.91 percent, the all-others rate established in the less-than-fair-value investigation.[19] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Rates for Non-Examined Companies
V. Discussion of the Methodology
VI. Recommendation

Appendix II

Companies Not Selected for Individual Examination

Adinath International
Aditya Forge Limited
Allena Group
Alloyed Steel
Balkrishna Steel Forge Pvt. Ltd.
Bebitz Flanges Works Private Limited
C.D. Industries
CHW Forge
CHW Forge Pvt. Ltd
Citizen Metal Depot
Corum Flange
DN Forge Industries
Echjay Forgings Limited
Falcon Valves and Flanges Private Limited
Heubach International
Hindon Forge Pvt. Ltd.
Jai Auto Pvt. Ltd.
Kinnari Steel Corporation
Mascot Metal Manufacturers
M F Rings and Bearing Races Ltd.
Munish Forge Private Limited
OM Exports
Punjab Steel Works
Raaj Sagar Steels
Ravi Ratan Metal Industries
R. D. Forge
Rolex Fittings India Pvt. Ltd.
Rollwell Forge Engineering Components and Flanges
Rollwell Forge Pvt. Ltd.
SHM (ShinHeung Machinery)
Siddhagiri Metal & Tubes
Sizer India
Steel Shape India
Sudhir Forgings Pvt. Ltd.
Tirupati Forge Pvt. Ltd.
Umashanker Khandelwal Forging Limited

[FR Doc. 2021–19256 Filed 9–3–21; 8:45 am]

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[18] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[19] *See Order,* 82 FR at 40138.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) of the antidumping duty (AD) order on certain activated carbon (activated carbon) from the People's Republic of China (China). Further, Commerce preliminarily determines that Jacobi Carbons AB (Jacobi AB) and its affiliates, Tianjin Jacobi International Trading Co. Ltd. (Tianjin Jacobi) and Jacobi Carbons Industry (Tianjin) Co. Ltd. (JCC) (collectively, Jacobi), should be collapsed with its new wholly-owned Chinese affiliate, Jacobi Adsorbent Materials (JAM), and the single entity, inclusive of JAM, should be assigned the same AD cash deposit rate assigned to Jacobi for purposes of determining AD liability in this proceeding. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Josh Simonidis or Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0608 or (202) 482–0339, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2007, Commerce published in the **Federal Register** an AD order on activated carbon from China.[1] In the original investigation, we selected Jacobi AB as a mandatory respondent which qualified for a separate rate.[2] In the third administrative review, Commerce determined that Jacobi AB and its two Chinese subsidiaries, JCC and Tianjin Jacobi, should be treated as a single entity (collectively, Jacobi) and assigned a single cash deposit rate.[3] In the most recently completed administrative review covering the period April 1, 2018, through March 31, 2019, we assigned Jacobi a separate rate, as a non-individually examined exporter under review.[4]

On July 26, 2021, Jacobi requested that Commerce conduct a CCR of the *Order* to confirm that Jacobi AB and its two affiliated firms, Tianjin Jacobi and JCC, with the addition of its new wholly-owned subsidiary, JAM, is the successor-in-interest to Jacobi.[5] Given the circumstances and evidence submitted by Jacobi, Commerce finds it more appropriate to instead evaluate Jacobi's CCR request through a collapsing analysis. No interested parties filed comments opposing the CCR request.

Scope of the Order

The merchandise covered by the scope of this *Order* is activated carbon. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[6]

Methodology

We are conducting this CCR in accordance with section 751(b)(1) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Initiation and Preliminary Results of CCR

Pursuant to section 751(b)(1) of the Act, and 19 CFR 351.216, Commerce will conduct a CCR upon receipt of information concerning, or a request from an interested party for a review of, an AD order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Jacobi supports its claim that JAM should be treated as part of the Jacobi entity and demonstrates changed circumstances sufficient to warrant such a review.[7] Therefore, in accordance with 751(b)(1)(A) of the Act and 19 CFR 351.216(d), we are initiating a CCR based on the information contained in the CCR request.

Pursuant to 19 CFR 351.221(c)(3)(ii), Commerce can combine the notice of initiation of a CCR and the notice of the preliminary results of a CCR into a single notice if Commerce concludes that expedited action is warranted. In this instance, because the record contains the information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.[8]

We preliminarily determine that Jacobi and JAM are affiliated and should be collapsed as a single entity. Specifically, we find that JAM is directly controlled by Jacobi, thereby meeting the affiliation criteria, in accordance with sections 771(33)(E) and (F) of the Act. In addition, we preliminarily find that the criteria of 19 CFR 351.401(f) are met and, thus, Jacobi and JAM should be treated as a single entity. A list of topics discussed in the Preliminary Decision Memorandum appears in the Appendix to this notice.

Should our final results remain unchanged from these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by JAM the AD cash deposit rate applicable to Jacobi (*i.e.,* $0.65/kg). Commerce will issue its final results of the review in accordance with the time limits set forth in 19 CFR 351.216(e).

Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 14 days of publication of this notice.[9] In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 14 days after the date of publication of this notice.[10] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the case briefs, in accordance with 19 CFR 351.309(d).[11] Parties who submit case or rebuttal briefs are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[12] All comments are to be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) available to registered users at *https://access.trade.gov,* and must also be served on interested parties. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day it is due.[13] Note that Commerce has temporarily modified certain requirements for serving documents containing business proprietary information, until further notice.[14]

Consistent with 19 CFR 351.216(e), Commerce will issue the final results of this CCR no later than 270 days after the date on which this review was initiated, or within 45 days of publication of these preliminary results, if all parties agree to our preliminary finding.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216(b) and 351.221(c)(3)(ii).

Dated: September 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Initiation and Preliminary Results of the

[1] *See Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China,* 72 FR 20988 (April 27, 2007) (*Order*).

[2] *Id.*

[3] *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review,* 76 FR 67142 (October 31, 2011).

[4] *See Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Final Rescission of Administrative Review, in Part; 2018–2019,* 86 FR 10539 (February 22, 2021).

[5] *See* Jacobi's Letter, ''Jacobi's Request for Changed Circumstances Review,'' dated July 26, 2021.

[6] *See* Memorandum, ''Decision Memorandum for the Initiation and Preliminary Results of the Changed Circumstances Review of the Antidumping Duty Order on Certain Activated Carbon from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* 19 CFR 351.216(d).

[8] *See* 19 CFR 351.221(c)(3)(ii); *see also, e.g., Notice of Initiation and Preliminary Results of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China,* 85 FR 5193 (January 29, 2020), unchanged in *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Results of Changed Circumstances Reviews,* 85 FR 14638 (March 13, 2020).

[9] Commerce is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

[10] Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[11] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020).

[12] *See* 19 CFR 351.309(c)(2).

[13] *See* 19 CFR 351.303(b).

[14] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

Changed Circumstances Review
V. Methodology
A. Affiliation
B. Collapsing
VI. Recommendation

[FR Doc. 2021–19369 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–817]

Ripe Olives From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that producers or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), August 1, 2019, through July 31, 2020. We invite interested parties to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Jacob Keller or Christopher Williams, 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) 482–4849 or (202) 482–5166, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2018, Commerce published in the **Federal Register** the antidumping duty order on ripe olives from Spain.[1] On October 6, 2020, Commerce initiated the administrative review of the *Order* for the period of August 1, 2019, to July 31, 2020.[2] On November 23, 2020, Commerce selected Angel Camacho Alimentacion, S.L. (Angel Camacho) and Agro Sevilla Aceitunas S.Coop. Andalusia (Agro Sevilla) as the mandatory respondents in the administrative review.[3] On April 5, 2021, Commerce extended the deadline for issuance of the preliminary results of this review by 120 days, until August 31, 2021, in accordance with 19 CFR 351.213(h)(2).[4]

Scope of the Order

The merchandise subject to the *Order* are ripe olives. For a complete description of the scope of this *Order, see* the Preliminary Decision Memorandum.[5]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public 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 Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html*. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Rates for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''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 any margins determined entirely {on the basis of facts available}.'' In this review, we preliminarily calculated weighted-average dumping margins for the two mandatory respondents, Angel Camacho and Agro Sevilla, that are not zero, *de minimis,* or determined entirely on the basis of facts available. Accordingly, Commerce preliminarily assigned to the companies not individually examined, listed in the chart below, a margin of 2.75 percent which is the weighted average of Angel Camacho's and Agro Sevilla's calculated weighted-average margins.[6]

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period August 1, 2019, through July 31, 2020:

Producer/exporter	Weighted-average dumping margin (percent)
Agro Sevilla Aceitunas S.COOP Andalusia	1.48
Angel Camacho Alimentacion S.L	4.31

Review-Specific Weighted-Average Rate Applicable to the Following Companies:

Producer/exporter	Weighted-average dumping margin (percent)
Aceitunas Guadalquivir, S.L	2.75
Alimentary Group Dcoop S. Coop. And	2.75
Internacional Olivarera, S.A	2.75

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.[7] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date

[1] *See Ripe Olives from Spain: Antidumping Duty Order,* 83 FR 37465 (August 1, 2018) (*Order*); *see also Ripe Olives from Spain: Notice of Correction to Antidumping Duty Order,* 83 FR 39691 (August 10, 2018) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[3] *See* Memorandum, ''Ripe Olives from Spain: Respondent Selection,'' dated November 23, 2020.

[4] *See* Memorandum, ''Ripe Olives from Spain: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,'' dated April 5, 2021.

[5] *See* Memorandum, ''Ripe Olives from Spain: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] For more information regarding the calculation of this margin, *see* Memorandum, ''Ripe Olives from Spain: Calculation of the Preliminary Margin for Respondents Not Selected for Individual Examination,'' dated concurrently with this notice. As the weighting factor, we relied on the publicly ranged sales data reported in the quantity and value charts submitted by Angel Camacho and Agro Sevilla.

[7] *See* 19 CFR 351.224(b).

for filing case briefs.[8] Commerce modified certain of its requirements for serving documents containing business proprietary information until further notice.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon completion of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If either of the respondents' weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we intend to calculate an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[11] If either of the respondents' weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP not to assess duties on any entries in accordance with the *Final Modification for Reviews*.[12] The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[13]

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which they did not know that the merchandise was destined to the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[14]

For the companies identified above that were not selected for individual examination, we will instruct CBP to liquidate entries at the rates established after the completion of the final results of review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the notice of final results of administrative review for all shipments of olives from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will be the all-others rate established in the less-than-fair-value investigation for this proceeding, 19.98 percent.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: August 31, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Rate for the Respondents Not Selected for Individual Examination
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2021–19258 Filed 9–3–21; 8:45 am]

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[8] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).'').

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[12] *Id.* at 8102–03; *see also* 19 CFR 351.106(c)(2).

[13] *See* section 751(a)(2)(C) of the Act.

[14] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[15] *See Ripe Olives from Spain: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 28193 (June 18, 2018).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–914]

Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Hangzhou Ailong Metal Products Co., Ltd. (Ailong) made sales of subject merchandise at prices below normal value (NV). The period of review (POR) is August 1, 2019, through July 31, 2020. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Hanna, 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) 482–0835.

SUPPLEMENTARY INFORMATION:

Background

This administrative review is being conducted in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). On August 4, 2020, Commerce notified interested parties of the opportunity to request an administrative review of orders, findings, or suspended investigations with anniversaries in August 2020, including the antidumping duty (AD) order on light-walled rectangular pipe and tube (LWRPT) from the People's Republic of China (China).[1] On October 6, 2020, Commerce published a notice initiating an AD administrative review of LWRPT from China covering one company, Ailong, for the POR.[2] On April 15, 2021, Commerce extended the deadline for the preliminary results of this review by a total of 120 days, to August 31, 2021.[3]

During the course of this review, Ailong responded to Commerce's initial and supplemental questionnaires. Nucor Tubular Products, Inc. (Nucor), the petitioner, commented on certain responses. For details regarding the events that occurred subsequent to the initiation of the review, *see* the Preliminary Decision Memorandum.

Scope of the Order

The merchandise subject to this order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm.[4] For a full description of the scope, *see* the Preliminary Decision Memorandum.

Separate Rate Status

Based on the criteria established by *Sparklers*[5] and *Silicon Carbide,*[6] Commerce preliminarily determines that the information placed on the record by Ailong demonstrates an absence of *de jure* and *de facto* government control over its export activities. Therefore, we have preliminarily granted Ailong separate rate status. For details regarding our analysis, *see* the Preliminary Decision Memorandum.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[7] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the weighted-average dumping margin determined for the China-wide entity (*i.e.,* 255.07 percent) is not subject to change as a result of this review.[8] For additional information, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated export prices and constructed export prices in accordance with section 772 of the Act. Because China is a non-market economy (NME) country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of review, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* A list of sections in the Preliminary Decision Memorandum is in the appendix to this notice.

Preliminary Results of Review

We are assigning the following weighted-average dumping margin to the firm listed below for the period August 1, 2019, through July 31, 2020:

Producers/exporters	Weighted-average dumping margin (percent)
Hangzhou Ailong Metal Products Co., Ltd. (Ailong)	157.40

Disclosure and Public Comment

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of these preliminary results of review in the **Federal Register**.[9] Rebuttal briefs may be filed with Commerce no later than seven days after case briefs are due and may respond only to arguments raised in the case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 85 FR 47167 (August 4, 2020).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[3] *See* Memorandum, ''Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 15, 2021.

[4] For a complete description of the scope of the *Order, see* Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Decision Memorandum for the Preliminary Results of the 2019–2020 Antidumping Duty Administrative Review (Preliminary Decision Memorandum) dated concurrently with this notice.

[5] *See Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (*Sparklers*).

[6] *See Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*).

[7] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[8] *See Order,* 84 FR at 19036.

[9] *See* 19 CFR 351.309(c)(1)(ii).

[10] *See* 19 CFR 351.309(d).

the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.[12] Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests for a hearing should contain: (1) The requesting party's name, address, and telephone number; (2) the number of individuals associated with the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues the party intends to discuss at the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will announce the date and time of the hearing. Parties should confirm by telephone the date and time of the hearing two days before the scheduled hearing date.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[14] An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date.[15] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[16] Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the amended final results of review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by the amended final results of review.[17] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the amended 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).

We will calculate importer/customer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined sales to a particular importer/customer to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).[18] Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total entered value of the merchandise sold to the importer/customer.[19] Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis;* however, Commerce will use the per-unit assessment rate where entered values were not reported.[20] Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis,*[21] Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by a respondent individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin assigned to the China-wide entity.[22] Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin assigned to the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of light-walled rectangular pipe and tube from China entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) For companies granted a separate rate in the final results of this review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the company (except, if the rate *de minimis,* then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed China and non-China exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, which is 255.07 percent; and (4) for all non-China exporters of subject merchandise that

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *Id.*

[13] *See* 19 CFR 351.303 (for general filing requirements).

[14] *Id.; Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[15] *Id.*

[16] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 29615 (May 18, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[17] *See* 19 CFR 351.212(b)(1).

[18] We applied the assessment rate calculation method adopted in Antidumping Proceedings: *Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[19] *See* 19 CFR 351.212(b)(1).

[20] *Id.*

[21] *See* 19 CFR 351.106(c)(2).

[22] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

have not received their own rate, the cash deposit rate will be the rate applicable to China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interest Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.213(h)(1).

Dated: August 31, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Extension of the Preliminary Results
IV. Scope of the Order
V. Discussion of Methodology
VI. Recommendation

[FR Doc. 2021–19191 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NOAA Financial Assistance Performance Progress Reports

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 May 21, 2021 (86 FR 27561—0648–0718) and June 8, 2021 (86 FR 30444—0648–0472) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration, Commerce.

Title: NOAA Financial Assistance Performance Progress Reports.

OMB Control Number: 0648–0718.

Form Number(s): None.

Type of Request: Regular submission [Revision of a currently approved information collection].

Number of Respondents: 445.

Average Hours per Response: Performance Progress Reports: MDP, CRCP, RC Initial Report—10 hours each; RC Semi-Annual PPR—5.5 hours; RC Administrative Progress Reports: Initial—6 hours; Semi-Annual—2.75 hours; and Final—5.5 hours.

Total Annual Burden Hours: 4,545.

Needs and Uses: This is a request for revision and extension of a currently approved information collection. The revision requests approval to merge OMB Control Number 0648–0472 (NOAA Community-based Restoration Program Progress Reports) into 0648–0718. Upon OMB approval, control number 0648–0472 will be discontinued. 0648–0718 is also being revised to add a Performance Progress Report for the Coral Reef Conservation Program (CRCP) and revise the Marine Data Program form to add an optional marine debris removal data collection page. The title of this information collection will be changed from NOAA Marine Debris Program Performance Progress Report to NOAA Financial Assistance Performance Progress Reports to encompass all collections of information under the control number.

This information collection assists the National Oceanic and Atmospheric Administration (NOAA) in the administration and evaluation of financial assistance awards made by the Coral Reef Conservation Program (CRCP), the NOAA Restoration Center (NOAA RC), and NOAA Marine Debris Program. Every year each of these programs support a variety of initiatives specific to their individual authorizations and programmatic mandates. This support is made substantially through grants and cooperative agreements, the terms and conditions of which require regular progress reporting and communication of project accomplishments to the agency. This information collection identifies what is to be provided in these reports, and aims to assist recipients in fulfilling their responsibilities in meeting interim and final progress report requirements. This information is also necessary for NOAA to effectively oversee the expenditure of public funds awarded through these programs, to ensure both cost-effectiveness and programmatic goals are met.

The NOAA RC provides technical and financial assistance to identify, develop, implement, and evaluate community-driven habitat restoration projects. Awards are made as grants or cooperative agreements under the authority of the Magnuson-Stevens Fishery Conservation and Management Act of 2006, 16 U.S.C. 1891a and the Fish and Wildlife Coordination Act, 16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970.

The NOAA CRCP operates under authorization from the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 *et seq.*). This Act was enacted on December 14, 2000, to preserve, sustain and restore the condition of coral reef ecosystems; to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation; to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems; to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and non-governmental organizations; to provide financial resources for those programs and projects; and to establish a formal mechanism for the collecting and allocating of monetary donations from the private sector to be used for coral reef conservation projects.

The NOAA Marine Debris Program (MDP) supports national and international efforts to research, prevent, and reduce the impacts of marine debris. The MDP uses partnerships with state and local agencies, tribes, non-governmental organizations, academia, and industry to investigate and solve the problems that stem from marine debris through research, prevention, and reduction activities, in order to protect and conserve our nation's marine environment and coastal economies, and to ensure navigation safety. In large part, these partnerships are made through grants, cooperative agreements, contracts, MOUs or are simply informal technical assistance arrangements. The

Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*) as amended by the Marine Debris Act Amendments of 2012 (Pub. L. 112–213, Title VI, Sec. 603, 126 Stat. 1576, December 20, 2012) authorizes the MDP to enter into cooperative agreements and contracts and provide financial assistance in the form of grants to carry out the purposes of the Act—namely to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety.

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Frequency: Variable (quarterly to semi-annually).

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act of 2006, 16 U.S.C. 1891a and the Fish and Wildlife Coordination Act, 16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970; Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 *et seq.;* Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*) as amended by the Marine Debris Act Amendments of 2012 (Pub. L. 112–213, Title VI, Sec. 603, 126 Stat. 1576, December 20, 2012).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0718.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–19265 Filed 9–3–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB329]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Relocation of the Port of Alaska's South Floating Dock, Anchorage, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is given that NMFS has issued an incidental harassment authorization (IHA) to the Port of Alaska (POA) to incidentally harass, by Level B harassment and Level A harassment, marine mammals during pile driving associated with the relocation of the POA's South Floating Dock (SFD) within Knik Arm, in upper Cook Inlet, Alaska.

DATES: This Authorization is effective from August 27, 2021 through August 26, 2022.

FOR FURTHER INFORMATION CONTACT: Reny Tyson Moore, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of an incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On October 2, 2020, NMFS received a request from the POA for an IHA to take marine mammals incidental to pile driving associated with the relocation of the SFD within Knik Arm in upper Cook Inlet, Alaska. Revised applications were submitted by the POA on December 15, 2020, January 29, 2021, February 5, 2021, and March 5, 2021 that addressed comments provided by NMFS. The application was deemed adequate and complete on March 17, 2021. Additional revised applications were submitted on March 26, 2021, which addressed typos, and May 14 2021, which adjusted transmission loss rates based on the final Petroleum Cement Terminal (PCT) Hydroacoustic Monitoring Report for activities completed in 2020 (Reyff *et al.,* 2021). The POA requested, and NMFS has authorized, take of a small number of six species of marine mammals by Level B harassment and Level A harassment. Neither the POA nor NMFS expects serious injury or mortality to result from this activity, nor did NMFS authorize any. Therefore, an IHA is appropriate.

NMFS previously issued IHAs to the POA for pile driving (73 FR 41318, July 18, 2008; 74 FR 35136, July 20, 2009; 81 FR 15048, March 21, 2016; and 85 FR 19294, April 06, 2020). The POA has complied with the requirements (*e.g.,* mitigation, monitoring, and reporting) of all previous IHAs and information regarding their monitoring results may be found in the Effects of the Specified Activity on Marine Mammals and their Habitat and Estimated Take sections.

Description of Specified Activity

The POA is modernizing its marine terminals through the Port of Alaska Modernization Program (PAMP). One of

the first priorities of the PAMP is to replace the existing Petroleum Oil Lubricants Terminal with a new PCT. For the PCT project to advance, the existing SFD, a small multipurpose floating dock important for staging, mooring, and docking of small vessels, such as first responder (*e.g.,* Anchorage Fire Department, U.S. Coast Guard) rescue craft, small work skiffs, and occasionally tug boats, must be relocated south of the PCT. The existing location of SFD will not allow docking operations at SFD once the PCT is constructed due to the close proximity of one of the PCT mooring dolphins (a structure for berthing and mooring of vessels). Relocation of the SFD will include the removal of the existing access trestle and gangway, and vibratory or impact installation of twelve permanent 36-inch steel pipe piles: Ten vertical and two battered (an impact hammer may be required if a pile encounters refusal and cannot be advanced to the necessary tip elevation with the vibratory hammer; Table 1). Construction of the SFD will also require the installation and vibratory removal of up to six 24- or 36-inch temporary template piles (Table 1). In-water pile installation and removal associated with SFD removal and construction is anticipated to take place on up to 24 nonconsecutive days between the date of issuance and November 2021. A detailed description of the POA's SFD activities is provided in the **Federal Register** notice of the proposed IHA (86 FR 31870, June 15, 2021). Since that time, no changes have been made to the planned relocation and construction activities, other than project timing due to delays in construction scheduling and the timing of the issuance of the IHA (The project was originally scheduled to occur on up to 24 nonconsecutive days between April and November 2021 but is now scheduled to occur between the date of issuance and November 2021). Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

TABLE 1—PILE DETAILS AND ESTIMATED EFFORT REQUIRED FOR PILE INSTALLATION AND REMOVAL

Pipe pile diameter	Feature	Number of plumb piles	Number of battered piles	Vibratory installation duration per pile (minutes)	Vibratory removal duration per pile (minutes)	Potential impact strikes per pile, if needed (up to 5 piles; one pile per day)	Production rate (piles/day)		Days of installation	Days of removal
							Installation	Removal		
36-inch	Floating Dock.	6	2	45	n/a	1,000	1–3	n/a	4–12	n/a
	Gangway	4	0		n/a	1,000	1–3	n/a		n/a
24- or 36-inch.	Temporary Template Piles.	6	0	45	75	1,000	1–2	1–3	3–6	2–6
Project Totals.		16	2	13.5 hours	7.5 hours				7–18	2–6

Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting).

Comments and Responses

A notice of NMFS' proposal to issue an IHA to the POA was published in the **Federal Register** on June 15, 2021 (86 FR 31870). That notice described, in detail, POA's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments from one private citizen and from the Defenders of Wildlife. A summary of the commenters' recommendations as well as NMFS' responses is below. Please see the Defender of Wildlife's letter for full details regarding their recommendations and rationale. The letter is available online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Comment 1: The Defenders of Wildlife raised concerns about the noise levels in Cook Inlet and the status of the Cook Inlet beluga whales (CIBWs). They commended our proposed measure to not allow battered piles to be driven during August and September but asserted that no pile driving activities associated with the project should be authorized in August or September in order for NMFS to justify our negligible impact and least practicable adverse impact findings.

Response: The MMPA requires that an IHA include measures that will affect the least practicable adverse impact on the affected species and stock and, which may include conditions for the construction activities that avoid and/or minimize adverse effects on CIBWs in and around the project area, where practicable. Mitigation and monitoring requirements have been included in the IHA to ensure the least practicable adverse impact on CIBWs and other marine mammal species in the project area. These requirements include the use of a bubble curtain system for the installation and removal of all plumb piles, the implementation of a robust marine mammal monitoring program, which will consist of eleven Protected Species Observers (PSOs) working from four unique locations spread over a 9 km-long stretch of surrounding coastline, and shutdown measures when CIBWs are observed approaching or entering the mouth of Knit Arm or the Level B harassment zone. These measures are designed to ensure CIBWs will not abandon critical habitat and that exposure to pile driving noise will not result in adverse impacts on the reproduction or survival of any individuals. These mitigation and monitoring measures are modeled after the measures included in the final IHAs for Phase 1 and Phase 2 PCT construction (85 FR 19294, April 6, 2020), which appeared to be effective at avoiding and minimizing impacts to marine mammals in the project area, as evidenced by observations made during PCT Phase 1 construction monitoring

(61 North Environmental, 2021) as described below.

The commenters expressed concern that permitting the project as proposed will create and/or exacerbate a condition where it is not possible for any beluga whale to transit past the project area to or from critical foraging and nursing habitat in Knik Arm. This concern is not supported by observations made of CIBWs during pile driving activities at the POA (*e.g.,* Kendall and Cornick, 2015, 61 North Environmental, 2021). As described in the Negligible Impact Analyses and Determinations sections of the Federal Notices of the proposed IHA (86 FR 31870, June 15, 2021) and this final IHA, monitoring data from the POA suggest pile driving does not discourage CIBWs from entering and transiting through Knik Arm. For example, CIBWs continued to use Knit Arm during the duration of the PCT Phase 1 construction project in 2020 and frequently transited past the project area to or from critical foraging grounds and possible nursing habitat such as those around Eagle Bay (61 North Environmental, 2021). Sighting rates have also not been different in the presence or absence of pile driving (Kendall and Cornick, 2015). While some individuals have demonstrated responses to pile driving activities, CIBWs were more likely to display no reaction or to continue to move towards the POA during pile installation and removal during PCT Phase 1 construction monitoring (61 North Environmental, 2021). In situations during which CIBWs have shown a possible reaction to pile driving, observed behavioral responses have been limited to increased travel speeds and tighter group formations (*e.g.,* Kendall and Cornick, 2015, 61 North Environmental, 2021); CIBWs did not abandon critical habitat and actively transited past the project area. This traveling behavior past the POA has also been verified by acoustic monitoring (*e.g.,* Castellote *et al.,* 2020). We anticipate that disturbance to CIBWs would manifest in the same manner when they are exposed to noise during the SFD project: Whales will not demonstrate a response or they will move quickly and silently through the area in more cohesive groups. We further do not believe exposure to elevated noise levels during transit past the POA will have adverse effects on reproduction or survival as the whales continue to access critical foraging grounds north of the POA, and that tight associations may help to mitigate the potential for any contraction of communication space for a group.

The Defenders of Wildlife were also concerned that low levels of noise may have biological impacts by ''masking'' important communication signals, influencing communication behaviors and disrupting foraging for Cook Inlet beluga whales and that masking may not be detected by visible observations. While both masking of communication signals and temporary threshold shifts (TTS) could potentially occur, noise impacts will occur over a short time (*i.e.,* up to 21 total hours spread over nine to 24 non-consecutive days), and would be limited to the short duration a marine mammal would likely be present within a Level B harassment zone during pile driving. This short timeframe minimizes the probability of multiple exposures on individuals, and any repeated exposures that do occur are not expected to occur on sequential days, decreasing the likelihood of physiological impacts caused by chronic stress or sustained energetic impacts that might affect survival or reproductive success. We agree that masking of important communication signals may not be detected by visible observations, and we discuss the implications of masking and TTS in the Federal Notice of the proposed IHA (86 FR 31870, June 15, 2021). NMFS has determined that the temporary masking of signals that could result from the short-term, intermittent pile driving activities would not affect the annual rates of recruitment or survival for any marine mammal species present in the project area and, therefore, do not affect our negligible impact determination. Further, the required mitigation and monitoring measures included in this IHA are designed to minimize to the least practicable extent the impacts that noise from the POA's pile driving activities will have on the health and behavior of marine mammals in the project area, including masking of their signals.

The commenters also argued that the size of the (additive) ensonified area is less important than the amount of (additive) noise in the areas that belugas will likely use. While we acknowledge that the POA's activities will add noise into the marine environment that CIBWs use, this small, short-term project is not expected to impact the reproduction or survival of any individual CIBWs or other marine mammal species in the project area.

The commenters recommended that we assess alternatives for pile driving in August or September. Restricting all pile installation and removal in August and September as recommended is not practicable for the POA to implement. It is necessary for construction of the SFD to proceed in August and/or September for installation of at least the plumb (vertical) piles in order to allow for completion of the SFD project during the 2021 construction season. Pile installation for the new SFD must begin before the onset of poor fall weather, when snow, ice, and limited daylight hours can slow the pace of construction or prevent timely completion of required tasks. A delay in timing of construction, such as a prohibition on all pile installation in August and September, could extend construction into the spring of 2022 when no in-water construction work is currently scheduled. This delay results in the need for remobilization of pile installation construction equipment, and costly consequences for the POA. In addition, it would delay operation of the SFD to 2022. The SFD is a key facility for the Municipality of Anchorage and provides staging, mooring, and docking of small vessels, such as first responder (*e.g.,* Anchorage Fire Department, U.S. Coast Guard) rescue craft; small work skiffs; and occasionally tug boats, in an area close to the daily operations at the Port. The SFD also supports dredging and bathymetric survey vessels and other municipal and port operations. Upper Cook Inlet near Anchorage exhibits the largest tide range in the U.S. and one of the largest tide ranges in the world, with an average daily difference between high and low tide of 8 meters (26.2 feet) and an extreme difference of up to 12.5 meters (41 feet) (NOAA 2015). The ability of first responders to conduct response operations during low tide stages requires access to the SFD, as the waterline is inaccessible for vessels at the nearby Anchorage public boat launch at Ship Creek during low waters. Thus, it is imperative that construction of the SFD proceed as proposed given it is required to provide continuous, timely, and safe access for rescue personnel and vessels in the northern portion of Cook Inlet. Finally, a delay leading to construction in 2022 could result in additional harassment exposure to marine mammals next year. The POA has indicated that it is practicable that they not install the two permanent battered piles, which have Level B harassment distances that are approximately two or more times greater than all other plumb piles, in August and September. This requirement will both minimize the size of the ensonified area during the peak CIWB season in the project area and maximize the probability of CIBW detections by PSOs

and necessary shutdowns during pile driving activities.

For these reasons stated above, we disagree that our current analysis undermines both the negligible impact conclusion and the least practicable impact. In consideration of the likely effects of the activity on marine mammals absent mitigation, potential unintended consequences of the measures as proposed by the commenters, and practicability of the recommended measures for the applicant, NMFS has determined that restricting construction as recommended is not warranted or practicable in this case and that the authorized takes will have a negligible impact on CIBWs and the other affected marine mammal species or stocks.

Comment 2: The Defenders of Wildlife assert that our negligible impact determination is flawed because we incorrectly indicated that area of exposure would be limited to travel corridors and that no critical foraging grounds would be impacted by pile driving.

Response: In accordance with our implementing regulations at 50 CFR 216.104(c), we use the best available scientific evidence to determine whether the taking by the specified activity within the specified geographic region will have a negligible impact on the species or stock and will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses. Based on the scientific evidence available, NMFS determined that the impacts of the authorized take incidental to pile driving would result in a negligible impact on CIBWs and other marine mammals in the project area. We acknowledged that CIBWs have been occasionally documented to forage around Ship Creek in the Federal Notice of the proposed IHA (86 FR 31870, June, 15, 2021) but that they may choose to move past the POA to other, potentially richer, feeding areas further into Knik Arm (*e.g.,* Six Mile Creek, Eagle River, Eklutna River) which contain predictable salmon runs (ADF&G, 2010) during pile driving activities.

During PCT Phase 1 construction monitoring (61 North Environmental, 2021) observations of CIBWs near Ship Creek involved animals transiting past or milling near or in front of the creek. While CIBWs may forage in or near Ship Creek, there are other known foraging grounds in the project area that CIBWs can transit to during pile driving activities. In addition, prey for CIBWs are mobile and broadly distributed throughout the project area; therefore, CIBWs are expected to be able to resume foraging once they have moved away from any areas with disturbing levels of underwater noise. There is ample foraging habitat adjacent to the project area that will not be ensonified by pile driving. Further, impacts on primary prey species will be short-term and localized, and the project is not anticipated to substantially impede migration of adult or juvenile Pacific salmon or adversely affect the health and survival of the affected species at the population level. Affected fish would represent only a portion of food available to marine mammals in the area. While we agree with the commenters that noise pollution at the POA could impact both beluga and prey behavior near the POA, our initial negligible impact determination does not change due to possible CIBW foraging activities near Ship Creek. We have however, updated our negligible impact analysis to state that the area of exposure will be limited to habitat primarily used as a travel corridor to account for possible foraging activities within the area of exposure.

Comment 3: The Defenders of Wildlife assert that NMFS must employ the precautionary principle and avoid sanctioning further impediments to the recovery of CIBWs even while striving to better understand those impediments.

Response: The MMPA states that, upon request, NMFS shall authorize, for periods of not more than one year, the incidental taking by harassment of small numbers of marine mammals if NMFS finds that such harassment during each period concerned will have a negligible impact on such species or stocks and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses (where relevant). In making our determinations we consider factors such as those recommended by the commenters including the level of existing background noise, the additive noise, and the timing and importance of belugas' use of the impacted areas when deciding whether or not an activity will have a negligible impact on affected marine mammal species or stocks. NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). We discuss our analysis and findings in the Negligible Impact Analyses and Determinations sections of the Federal Notices of the proposed IHA (86 FR 31870, June, 15, 2021) and this IHA. The extensive monitoring and mitigation required in the IHA and described in the Mitigation and Monitoring and Reporting of this notice supports these determinations. Neither the MMPA nor NMFS' implementing regulations include discussion or requirements related to a ''precautionary principle,'' and it would be inappropriate to deny the issuance of an IHA based on the precautionary principle if the MMPA issuance criteria have been satisfied.

Comment 4: The Defenders of Wildlife expressed concern that NMFS set the Level B harassment threshold at 122.2 decibel (dB) (root mean square; rms) despite our understanding that responses including avoidance and altered group behaviors can be triggered at 120 dB. They also expressed concern that the entire width of Knik Arm may be ensonified by levels exceeding the Level B threshold preventing safe passage for belugas.

Response: NMFS typically uses 120 dB (rms) as the exposure for estimating Level B harassment takes for continuous (*e.g.,* vibratory pile driving) sources, but will adjust this threshold when background levels exceed this threshold such as in noisy environments like upper Cook Inlet. We acknowledge however that the use of a single threshold is a simplistic approach. This dB-based threshold is a step-function approach (*i.e.,* animals exposed to received levels above the threshold are considered to be ''taken'' and those exposed to levels below the threshold are not); but it is intended as a sort of mid-point of likely behavioral responses (which are extremely complex depending on many factors including species, noise source, individual experience, and behavioral context). What this means is that, conceptually, the function recognizes that some animals exposed to levels below the threshold will in fact react in ways that are appropriately considered take, while others that are exposed to levels above the threshold will not. Use of a specific dB threshold allows for a simplistic quantitative estimate of take, while we can qualitatively address the variation in responses across different received levels in our discussion and analysis. Further, as is the case here, when the measured ambient noise is higher than the typical 120-dB continuous noise Level B harassment threshold (suggesting that marine mammals are regularly exposed to the higher level in the area), it is appropriate to raise the behavioral harassment threshold such that take by behavioral harassment is predicted only when marine mammals are predicted to receive sounds above the regularly occurring ambient noise in the area.

NMFS reviewed data recently collected at the POA to establish an appropriate Level B harassment threshold for the SFD project. During the 2016 Test Pile Program (TPP), the POA conducted ''ambient'' acoustic monitoring, in accordance with accepted methodology for characterizing ambient noise levels (NMFS, 2012). NMFS considers the median sound levels to be most appropriate when considering background noise levels for purposes of evaluating the potential impacts of the POA's SFD project on marine mammals (NMFS, 2012). By using the median value, which is the 50th percentile of the measurements, for ambient noise level, one will be able to eliminate the few transient loud identifiable events that do not represent the true ambient condition of the area. The median value thus provides a better representation of background noise levels that are applicable to when the SFD project would be occurring. During the 2016 TPP, median ambient noise levels (in the absence of pile driving) were 122.2 dB. More information of this analysis can be found in our notice of the proposed IHA. While background noise levels absent pile driving were collected by Reyff *et al.* (2021), these measurements were not collected in accordance to NMFS (2012) guidance for measuring ambient noise and thus cannot be used here for determining the Level B harassment threshold at the POA.

The Defenders of Wildlife claim that noise from one component of the PCT project ensonified much, and at times all, of the mouth of Knik Arm to a level greater than the 122.5 dB Level B harassment standard used for that project making it difficult and at times impossible for belugas to transit the area without being harassed. We acknowledged in the **Federal Register** notice of the final IHAs for the PCT project (85 FR 19294, April 06, 2020) that Level B harassment isopleths would extend across the mouth of Knit Arm. However, strict mitigation and monitoring measures were required that minimized any harassment to marine mammals in the project area and will be subsequently required for the SFD project. For example, the POA was required to shut down all pile driving activities should a CIBW approach or enter the mouth of Knit Arm or a Level B harassment zone. In addition, the MMPA gives NMFS the authority to authorize, upon request, the incidental, but not intentional, taking of small numbers of marine mammals if NMFS finds that that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). These findings were met in the **Federal Register** notice of the final IHAs for the PCT project and are similarly met for the relocation and construction of the POA's SFD, even though noise from some of the POA's activities may ensonify much or all of the mouth of Knik Arm.

Comment 5: The Defenders of Wildlife concur that the available evidence indicates behavioral reactions to noise do not result in habitat abandonment, but they argue that the absence of evidence of habitat abandonments does not prove that noise impact around the Port are negligible.

Response: NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). As described in the Negligible Impact Analysis and Determination sections of the Federal Notices of the proposed IHA (86 FR 31870, June, 15, 2021) and this final IHA, a negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). In our analysis, we discuss many factors, including the absence of habitat abandonments, to support our determination that the noise impacts from the POAs relocation and construction of the SFD are negligible. Our analysis also includes observations of large numbers of CIBWs entering and transiting through Knik Arm during pile driving activities (*e.g.,* Kendall and Cornick, 2015, 61 North Environmental, 2021), many of whom were more likely to display no reaction or to continue to move towards the POA during PCT Phase 1 construction monitoring (61 North Environmental, 2021). Based on this analysis, and the required mitigation and monitoring, we have determined that the total marine mammal take from the POA's relocation and construction of the SFD will not affect annual rates of recruitment or survival, and thus will have a negligible impact on all affected marine mammal species or stocks.

Comment 6: The Defenders of Wildlife commented that dredging at the Port would likely expose any beluga that enters or exits Knik Arm to levels of noise exceeding the current behavioral harassment threshold and cited Castellote *et al.* (2019) in support of this concern.

Response: Dredging is not a component of the Port's specified activities; thus, this comment is not relevant to this IHA and is not discussed further.

Comment 7: The Defenders of Wildlife support Castellote *et al.* (2019) who indicated that revision of the spatial extent of the current critical habitat exclusion zone (around the Port) is warranted as it coincides with the most acoustically disturbed area of Cook Inlet. Within their critical habitat discussion, they also support the recommendation by Castellote *et al.* (2019) that management implications for anthropogenic noise around the POA should include avoiding concurrent emission of noise at both the POA and Point McKenzie; evaluating the acoustic footprint of different modes and types of seasonal dredge operations; defining shut down protocols, if necessary, based on observed beluga behavioral reactions; and seasonal scheduling of activities to reduce overlap with beluga peak use of the port basin.

Response: NMFS published the final rule designating critical habitat for CIBWs on April 11, 2011 (76 FR 20180). Designation or revision of critical habitat NMFS responsibility under the ESA and therefore is outside the scope of management actions taken under the MMPA and described in this notice and is not discussed further. More information on CIBW critical habitat can be found at *https://www.fisheries.noaa.gov/action/critical-habitat-cook-inlet-beluga-whale.*

Comment 8: The Defenders of Wildlife support the recommendation cited by Castellote *et al.* (2019) that a cumulative impact analysis approach should be implemented as part of the permitting process.

Response: Neither the MMPA nor NMFS' implementing regulations call for consideration of other unrelated activities and their impacts on populations. The preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989) states in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline, *e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors. The 1989 implementing regulations also addressed public comments regarding cumulative effects

from future, unrelated activities. There NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, both this IHA, as well as other IHAs currently in effect or proposed within the specified geographic region, are appropriately considered an unrelated activity relative to the others. The IHAs are unrelated in the sense that they are discrete actions under section 101(a)(5)(D), issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a ''specified activity'' will have a negligible impact on the affected species or stocks of marine mammals. NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals. 50 CFR 216.104(a)(1). Thus, the ''specified activity'' for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, the POA was the applicant for the IHA, and we are responding to the specified activity as described in that application (and making the necessary findings on that basis). Through the response to public comments in the 1989 implementing regulations, we also indicated (1) that NMFS would consider cumulative effects that are reasonably foreseeable when preparing a National Environmental Policy Act (NEPA) analysis, and (2) that reasonably foreseeable cumulative effects would also be considered under section 7 of the ESA for ESA-listed species.

In this case, cumulative impacts have been adequately addressed under NEPA in the final environmental assessment (EA) supporting NMFS' determination. In the final EA, we reviewed potential direct, indirect, and cumulative impacts to protected species and their environment, associated with NMFS' proposed action and alternatives. Separately, cumulative effects were analyzed as required through NMFS' required intra-agency consultation under section 7 of the ESA. The Biological Opinion (BiOp) that NMFS Alaska Region issued on August 9, 2021 determined that NMFS' action of issuing the IHA is not likely to adversely affect listed marine mammals or their critical habitat.

Comment 9: The Defenders of Wildlife raise a concern that while the Marine Mammal Commission has long advised NMFS to track all anthropogenic activities that may result in the taking of a beluga, and to place annual limits on the total number and types of take authorized based on the most recent population estimate, these suggestions, which are reflected in the Recovery Plan, have not yet been implemented. They recommend that in the absence of any limit on the total number of beluga takes authorized over a given time period, temporal restrictions that avoid additive noise impacts in already-ensonified areas where belugas are known to occur in significant numbers is a clear means of effecting the least practicable impact.

Response: As stated in our response to Comment 3, the MMPA states that, upon request, NMFS shall authorize, for periods of not more than one year, the incidental taking by harassment of small numbers of marine mammals if NMFS finds that such harassment during each period concerned will have a negligible impact on such species or stocks and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses. Section 101(a)(5)(A) of the MMPA addresses the analysis and authorization of take from a ''specified activity;'' and, therefore, setting limits on the number and types of CIBW takes across all activities in Cook Inlet would not be an appropriate requirement of an MMPA incidental take authorization. It is worth noting that while the Defenders of Wildlife's provide estimates regarding the percentages of CIBWs authorized for take each year in IHAs to support their concern and reasoning for placing annual limits on take, they did not describe how they calculated these annual take estimates. We believe that the estimates they provide may be overestimated. The take estimates we authorize represent the upper limits for individuals, and some instances of take may represent multiple exposures to a single individual. Further, NMFS here has factored into its negligible impact analyses the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (*e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and relevant stressors (such as incidental mortality in commercial fisheries, Unusual Mortality Events (UMEs), and subsistence hunting)). See the Negligible Impact Analyses and Determinations section of this notice of issuance.

Separately, setting blanket take limits may not be meaningful, as the nature and intensity of impacts from a given activity can vary widely. For example, an animal exposed to noise levels just above our harassment threshold in a non-critical area may experience a small behavioral change with no biological consequence while an animal exposed to very loud noise levels (but lower than levels that would result in a permanent threshold shift (PTS)) in an area where active critical foraging occurs could result in behavioral changes that may be more likely to impact fitness. While both of these examples would be characterized as Level B harassment, the resulting impact on the population could be different. Context differences such as these are analyzed in our negligible impact analysis for each application under the MMPA.

As described above, this does not mean the cumulative impacts of other actions are not considered, as we have captured past and current actions in our baseline under the MMPA and all past, present and reasonably foreseeable future actions under NEPA. Finally, the reasonably foreseeable cumulative effects to ESA-listed species, including CIBWs, from other activities are considered in the analyses conducted in the BiOp per the ESA. The BiOp, issued August 9, 2021 found NMFS' issuance of the IHA to POA would not jeopardize the continued existence of CIBWs or destroy or adversely modify their critical habitat. For these reasons, we have not implemented the Defender or Wildlife's recommendation to cap the number of authorized takes of CIBWs across all activities for which take is requested.

Comment 10: A private citizen submitted a comment via email expressing concern for NMFS' regulatory process, our issuance of IHAs' in general, and our definition of small numbers.

Response: We appreciate the commenter's concern regarding the impacts from a wide variety of activities on species of marine mammals throughout U.S. regions. As discussed in the Background section of this final notice and our Response to Comment 3, while the MMPA prohibits the ''take'' of marine mammals, there are certain exceptions. For example, upon request, NMFS shall authorize the incidental, but not intentional, taking by harassment of small numbers of marine mammals for periods of not more than one year to applicants for a specified activity if NMFS finds that such harassment during each period concerned will have a negligible impact on such species or stocks and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses (where relevant). As described in the Negligible Impact Analyses and Determinations section, NMFS' analysis supports the conclusion that the take anticipated to result from POA's activity, which

consists of 21 hours or pile driving, will have a negligible impact on the affected species or stocks. As described in the Small Numbers section, NMFS considers take of up to one-third the number of a species' or stock's abundance to be small (for additional explanation see the Small Numbers section in the Incidental Take Regulations for Geophysical Activities in the Gulf of Mexico: 86 FR 5322, 5438; January 19, 2021), and authorized take is less than that for all affected species or stocks in this authorization. Accordingly, NMFS has issued the final authorization to POA.

Changes From the Proposed IHA to Final IHA

No substantive changes have been made from the proposed IHA to final IHA; however, some small typos and clarifications were addressed including a clarification regarding shutdown zones. In the **Federal Register** notice for the proposed IHA (86 FR 31870, June 15, 2021) and this final notice we stated that if a marine mammal is entering or is observed within an established Level A harassment zone or shutdown zone, pile installation and removal will be halted or delayed. However, the table describing shutdown zones in the IHA (Table 2) only referenced a single 100-m shutdown zone. We have updated this table and language in this final notice to clarify that the shutdown zone is 100-m unless the respective Level A harassment zone is larger; in these instances, the distance to the Level A harassment shutdown zone is the respective shutdown zone. We have also clarified language to better express that the IHA requirements pertain to construction activities directly associated with pile driving installation and removal rather than associated construction activities that occur away from the project site. Lastly, we noticed some repetitive measures so consolidated these to help clarify the requirements of the IHA.

In addition, per the Defenders of Wildlife's concerns in Comment 2, we have updated the language in the Negligible Impact Analysis and Determination section to indicate that the area of exposure from the SFD activities will be limited to habitat primarily used as a travel corridor.

Description of Marine Mammals in the Area of Specified Activities

There are six species of marine mammals that may be found in upper Cook Inlet during the pile driving activities. Sections 3 and 4 of the POA's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*), and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*). Additional information on CIBWs may be found in NMFS' 2016 Recovery Plan for the CIBW (*Delphinapterus leucas*), available online at *https://www.fisheries.noaa.gov/resource/document/recovery-plan-cook-inlet-beluga-whale-delphinapterus-leucas.*

Table 2 lists all species or stocks with expected potential for occurrence in the project area and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. 2019 SARs (*e.g.,* Muto *et al.,* 2020) and 2020 draft SARs (Muto *et al.,* 2021). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2019 and 2020 SARs (Muto *et al.,* 2020; Muto *et al.,* 2021) (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 2—MARINE MAMMAL SPECIES POTENTIALLY OCCURRING IN UPPER COOK INLET, ALASKA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Balaenopteridae (rorquals):						
Humpback whale	*Megaptera novaeangliae*	Western North Pacific	E/D; Y	1,107 (0.3, 865, 2006)	3	2.8
		Central North Pacific	-/-; Y	10,103 (0.3, 7,890, 2006)	83	26
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Beluga whale	*Delphinapterus leucas*	Cook Inlet	E/D; Y	279 (0.06, 267, 2018)	0.53	0
Killer whale	*Orcinus orca*	Alaska Resident	-/-; N	2,347 (N/A, 2,347, 2012)	24	1
		Alaska Transient	-/-; N	587 (N/A, 587, 2012)	5.87	0.8
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena*	Gulf of Alaska	-/-; Y	31,046 (0.21 N/A, 1998)	Undet	72

TABLE 2—MARINE MAMMAL SPECIES POTENTIALLY OCCURRING IN UPPER COOK INLET, ALASKA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Steller sea lion	*Eumetopias jubatus*	Western	E/D; Y	52,932 (N/A, 52,932 2019).	318	254
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	Cook Inlet/Shelikof	-/-; N	28,411 (N/A, 26,907, 2018).	807	107

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable because it has not been calculated.

[3] These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual mortality and serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

As indicated above, all six species (with six managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have authorized it. Marine mammals occurring in Cook Inlet that are not expected to be observed in the project area and for which take is not authorized include gray whales (*Eschrichtius robustus*), minke whales (*Balaenoptera acutorostrata*), and Dall's porpoise (*Phocoenoides dalli*).

In addition, sea otters (*Enhydra lutris*) may be found in Cook Inlet. However, sea otters are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this document.

A detailed description of the of the species likely to be affected by the pile driving activities, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (86 FR 31870, June 15, 2021); since that time, we are not aware of any changes in the status of these species and stocks other than a change in the total annual mortality and serious injury for Steller sea lions which reflects corrections of errors found when finalizing Young *et al.* (2020) and the final SARs (Muto *et al.,* 2021) (Note we also found typos in the minimum population estimate (N_{min}) estimate for Alaska resident Killer whales and stock abundance for Steller sea lions in the **Federal Register** notice for the proposed IHA (86 FR 31870, June 15, 2021) that have been corrected here). Therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The **Federal Register** notice of the proposed IHA (86 FR 31870, June 15, 2021) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the POA's specified activities on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the Federal Notice of the proposed IHA (86 FR 31870, June 15, 2021). No new data is available that suggests the potential responses and impacts to marine mammals would differ from those discussed in the notice of the proposed IHA.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will primarily be by Level B harassment, as pile driving has the potential to result in disruption of behavioral patterns for individual marine mammals, either directly or as a result of TTS. There is also some potential for auditory injury (Level A harassment) to result, primarily for mysticetes, high frequency species, and phocids because predicted auditory injury zones are larger than for mid-frequency species and otariids. Auditory injury is unlikely to occur for mid-frequency species and otariids. The required mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of

activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take estimate.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 micropascal (μPa) (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. This take estimation includes disruption of behavioral patterns resulting directly in response to noise exposure (*e.g.,* avoidance), as well as that resulting indirectly from associated impacts such as TTS or masking. However, ambient noise levels within Knik Arm are above the 120-dB threshold, and therefore, for purposes of this analysis, NMFS considers received levels above those of the measured ambient noise (122.2 dB) to constitute Level B harassment of marine mammals incidental to continuous noise, including vibratory pile driving.

Results from recent acoustic monitoring conducted at the port are presented in Austin *et al.* (2016) wherein noise levels were measured in absence of pile driving from May 27 through May 30, 2016 at two locations: Ambient-Dock and Ambient-Offshore. NMFS considers the median sound levels to be most appropriate when considering background noise levels for purposes of evaluating the potential impacts of the POA's SFD Project on marine mammals (NMFS, 2012). By using the median value, which is the 50th percentile of the measurements, for ambient noise level, one will be able to eliminate the few transient loud identifiable events that do not represent the true ambient condition of the area. This is relevant because during two of the four days (50 percent) when background measurement data were being collected, the U.S. Army Corps of Engineers was dredging Terminal 3 (located just north of the Ambient-Offshore hydrophone) for 24 hours per day with two 1-hour breaks for crew change. On the last 2 days of data collection, no dredging was occurring. Therefore, the median provides a better representation of background noise levels when the SFD project will be occurring. With regard to spatial considerations of the measurements, the Ambient-Offshore location is most applicable to this discussion (NMFS, 2012). The median ambient noise level collected over four days at the end of May at the Ambient-Offshore hydrophone was 122.2 dB. We note the Ambient-Dock location was quieter, with a median of 117 dB; however, that hydrophone was placed very close to the dock and not where we expect Level B harassment to occur given mitigation measures (*e.g.,* shut downs). We also recognize that during Phase 1 PCT acoustic monitoring, noise levels in Knik Arm absent pile driving were collected (Reyff *et al.,* 2021); however, the Phase 1 PCT IHA did not require ambient noise measurements to be collected. These measurements were not collected in accordance to NMFS (2012) guidance for measuring ambient noise and thus cannot be used here for that purpose. If additional data collected in the future warrant revisiting this issue, NMFS may adjust the 122.2 dB rms Level B harassment threshold.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (NMFS, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The POA's activity includes the use of non-impulsive (vibratory pile driving) and impulsive (impact pile driving) sources.

These thresholds are provided in Table 3 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The estimated sound source levels (SSL) proposed by the POA and used in this assessment for vibratory installation of attenuated piles are based on sound levels of 24-inch and 36-inch piles measured during a sound source verification (SSV) study conducted during Phase 1 of the POA's 2020 PCT project (Reyff *et al.,* 2021). For the 24-inch template piles, SSLs measured for 24-inch PCT template piles by Reyff *et al.* (2021) were selected for use as a proxy for 24-inch SFD template piles based on anticipated pile function (Table 4). These piles were driven for 19.2 to 25.6 minutes, using an APE 200–6 vibratory hammer and a confined bubble curtain (Reyff *et al.,* 2021). For the 36-inch template piles, SSLs are assumed to be similar to the SSLs measured for 36-inch trestle piles installed during PCT construction (note no 36-inch template piles were measured in Reyff *et al.,* 2021) (Table 4). These piles were installed with a confined bubble curtain using an APE 300–6 vibratory hammer; driving times ranged from 22.1 to 36.4 minutes. It is assumed that SLLs during pile installation and removal for both pile sizes will be similar.

No unattenuated 24-inch or 36-inch piles were installed during either the TPP (Austin *et al.,* 2016) or PCT SSV projects (Reyff *et al.,* 2021). Instead, SSL measurements collected during marine construction projects conducted by the U.S. Navy for the Naval Base Kitsap at Bangor EHW–2 Project (U.S. Navy, 2015), which were installed at similar depths and in a similar marine environment, were used as proxies for vibratory and impact installation of unattenuated piles for the SFD project (Table 4). It is assumed that SSLs during vibratory pile installation and removal will be similar.

SSLs measurements for attenuated 24-inch and 36-inch piles driven with an impact hammer also were not measured during either the TPP (Austin *et al.,* 2016) or PCT SSV projects (Reyff *et al.,* 2021). SSL measurements for impact installation made by Ryeff *et al.* (2021) were on piles using a confined bubble curtain system with 48-inch piles; whereas, an unconfined system will be used with smaller piles for the SFD. In a confined bubble curtain system, the bubbles are confined to the area around the pile with a flexible material or rigid pipe; however, in an unconfined bubble curtain system, there is no such system for restraining the bubbles (NAVFAC SW, 2020). Unconfined bubble curtain performance is highly variable and effectiveness depends on the system design and on-site conditions such as water depth, water current velocity, substrate and underlying geology. The unconfined systems typically consist of vertically stacked bubble rings, while the confined systems are a single ring at the bottom placed inside a casing that encompasses the pile. The U.S. Navy (2015) summarized several studies which demonstrated that unconfined bubble curtains performance can be effective in attenuating underwater noise from impact pile installation. They found bubble curtain performance to be highly variable, but based on information from the Bangor Naval Base Test Pile Program, found an average peak SPL reduction of 8 dB to 10 dB at 10 m would be an achievable level of attenuation for steel pipe piles of 36- and 48-inches in diameter. The efficiency of bubble curtains with 24-inch piles was not examined by the U.S. Navy (2015). Based on these analyses, and the effect that local currents may have on the distribution of bubbles and thus effectiveness of an unconfined bubble curtain, NMFS conservatively applies a 7 dB reduction to the U.S. Navy (2015) unattenuated SSLs (Table 4) for attenuated 24-inch and 36-inch piles during impact pile driving (Table 4). These SSLs are consistent with SSLs previously proposed and authorized by NMFS for POA impact pile driving of 24-inch and 36-inch piles (*e.g.,* PCT final IHA [85 FR 19294; April 6, 2020]). This reduction is more conservative than the confined bubble curtain efficacy reported by Reyff *et al.* (2021), which ranged from 9 to 11 dB for peak, rms, and sound exposure level (SEL) single strike measurements.

The transmission loss (TL) coefficients reported in the PCT SSV are highly variable and are generally lower than values previously reported and used in the region. For example, Reyff *et al.* (2021) reported unweighted transmission loss coefficients ranging from 8.9 to 16.3 dB SEL and 7.0 to 16.7 dB rms for impact driving 48-inch attenuated piles. In the PCT final IHA (85 FR 19294; April 6, 2020), the POA proposed, and NMFS applied, a TL rate of 16.85 dB SEL for assessing potential for Level A harassment from impact pile driving and a TL rate of 18.35 dB rms when assessing potential for Level B harassment from impact pile driving for based on Austin *et al.* (2016) measurements recorded during the TPP on 48-in piles. Higher TL rates in Knik Arm are supported by additional studies, such as by Širović and Kendall (2009), who reported a TL of 16.4 dB during impact hammer driving during passive acoustic monitoring of the POA Marine Terminal Redevelopment Project, and by Blackwell (2005) who reported TLs ranging from 16–18 dB SEL and 21.8 dB rms for impact and vibratory installation of 36-inch piles, respectively, during modifications made to the Port MacKenzie dock. After careful inspection of the data presented in the Reyff *et al.* (2021) study (including relevant spectrograms), NMFS is concerned that flow noise in the far field measurements is negatively biasing the regressions derived to infer TL rates. While Reyff *et al.* (2021) discuss attempts they made to remove flow noise from their calculations, NMFS could not conclude that these attempts adequately removed flow noise from their measurements. Relevant to the SFD, the TL calculations of individual vibratory installation of 24-inch template piles and 36-inch trestle piles reported by Reyff *et al.* (2021) were also highly variable ranging from 12.5 to 16.6 dB rms and 14.4 to 17.2 dB rms, respectively. Given this variability and previous data suggesting higher TL rates, NMFS has determined that applying a practical spreading loss model (15logR) to ensonified area calculations is most likely the representative scenario in Knik Arm (Table 4). The 15 TL coefficient also falls within the range of TL coefficients reported in Reyff *et al.* (2021).

TABLE 4—ESTIMATED SOUND SOURCE LEVELS AND TRANSMISSION LOSS COEFFICIENTS WITH AND WITHOUT A BUBBLE CURTAIN

Method and pile size	Unattenuated					Bubble curtain				
Vibratory	Sound level at 10 m (dB rms)			TL coefficient		Sound level at 10 m (dB rms)			TL coefficient (dB rms)	
36-inch	[a] 166.0			[c] 15.0		[b] 161.4			[c] 15.0	
24-inch	[a] 161.0			[c] 15.0		[b] 158.5			[c] 15.0	
Impact	Unattenuated					Bubble curtain				
	Sound level at 10 m			TL coefficient		Sound level at 10 m			TL coefficient	
	dB rms	dB SEL	dB Peak	dB rms	dB SEL	dB rms	dB SEL	dB peak	dB rms	dB SEL
36-inch	[a] 194.0	[a] 184.0	[a] 211.0	[c] 15.0	[c] 15.0	[a] 187.0	[a] 177.0	[a] 204.0	[c] 15.0	[c] 15.0
24-inch	[a] 193.0	[a] 181.0	[a] 210.0	[c] 15.0	[c] 15.0	[a] 186.0	[a] 174.0	[a] 203.0	[c] 15.0	[c] 15.0

[a] U.S. Navy 2015.
[b] Reyff *et al.,* 2021.
[c] Practical spreading loss model.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources (such as pile driving), NMFS User Spreadsheet predicts the distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths are reported below in Table 5.

TABLE 5—NMFS USER SPREADSHEET INPUTS

	24-Inch (unattenuated)	24-Inch (bubble curtain)	36-Inch (unattenuated)	36-Inch (bubble curtain)
User Spreadsheet Input: Vibratory Pile Driving				
Spreadsheet Tab Used	A.1) Non-Impul, Stat, Cont	A.1) Non-Impul, Stat, Cont	A.1) Non-Impul, Stat, Cont	A.1) Non-Impul, Stat, Cont
Source Level (SPL RMS)	161	158.5	166	161.4.
Transmission Loss Coefficient	15	15	15	15.
Weighting Factor Adjustment (kHz).	2.5	2.5	2.5	2.5.
Time to install/remove single pile (minutes).	45/75	45/75	45/75	45/75.
Piles to install/remove per day	1/1	1–2/1–3	1/1	1–3/1–3
User Spreadsheet Input: Impact Pile Driving				
Spreadsheet Tab Used	E.1) Impact pile driving	E.1) Impact pile driving	E.1) Impact pile driving	E.1) Impact pile driving.
Source Level (Single Strike/shot SEL).	181	174	184	177.
Transmission Loss Coefficient	15	15	15	15.
Weighting Factor Adjustment (kHz).	2	2	2	2.
Number of strikes pile	1,000	1,000	1,000	1,000.
Piles per day	1	1	1	1.

To calculate the Level B harassment isopleths, NMFS considered SPLrms source levels and the corresponding TL coefficients (dB rms; Table 4) for impact and vibratory pile driving, respectively. The resulting Level A harassment and Level B harassment isopleths are presented in Table 6.

TABLE 6—DISTANCES TO LEVEL A HARASSMENT, BY HEARING GROUP, AND LEVEL B HARASSMENT THRESHOLDS PER PILE TYPE AND INSTALLATION METHOD

Pile size	Attenuation	Hammer type (installation/removal)	Piles per day	Level A harassment (m)					Level A harassment areas (km²) all hearing groups	Level B harassment (m)
				LF	MF	HF	PW	OW		
24-inch	Bubble Curtain	Vibratory (Installation)	1	4	1	6	3	1	<0.01	2,631
			2	7	1	9	4	1		
		Vibratory (Removal)	1	6	1	8	4	1		
			3	12	1	17	7	1		
		Impact (Installation)	1	251	9	299	135	10	<0.19	542
	Unattenuated	Vibratory (Installation)	1	6	1	9	4	1	<0.01	3,861
		Vibratory (Removal)	1	8	1	12	5	1		
		Impact (Installation)	1	735	27	876	394	29	<1.34	1,585
36-inch	Bubble Curtain	Vibratory (Installation)	1	6	1	9	4	1	<0.01	4,106
			2	10	1	15	6	1		
			3	13	2	19	8	1		
		Vibratory (Removal)	1	9	1	13	6	1		
			3	18	2	26	11	1		
		Impact (Installation)	1	398	15	474	213	16	<0.76	631
	Unattenuated	Vibratory (Installation)	1	13	2	18	8	1	<0.01	8,318
		Vibratory (Removal)	1	18	2	26	11	1		
		Impact (Installation)	1	1,165	42	1,387	624	46	<3.14	1,848

Marine Mammal Occurrence and Take Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

For all species of cetaceans other than CIBWs, density data is not available for upper Cook Inlet. Therefore, the POA relied on marine mammal monitoring data collected during past POA projects. These data cover the POA's construction season (April through November) across multiple years. Calculations used to estimate exposure from pile installation for all marine mammals is described below.

Humpback Whales

Sightings of humpback whales in the project area are rare, and the potential risk of exposure of a humpback whale to sounds exceeding the Level B harassment threshold is low. Few, if any, humpback whales are expected to approach the project area. However, there were two sightings in 2017 of what was likely a single individual at the Ship Creek Boat Launch (ABR Inc., 2017) which is located south of the project area. Based on these data, the POA conservatively estimates that up to two individuals could be behaviorally harassed during the 24 days of pile driving for the SFD. This could include sighting a cow-calf pair on multiple days or multiple sightings of single humpback whales. No Level A harassment take of humpback whales is anticipated or authorized because the likelihood that a humpback whale would be both present in the project area and within the relatively small Level A harassment zones before a shutdown could be called is low.

Killer Whales

Few, if any, killer whales are expected to approach the project area. No killer whales were sighted during previous monitoring programs for the Knik Arm Crossing and POA construction projects, including the 2016 TPP or during Phase 1 of the PCT project in 2020. The infrequent sightings of killer whales that are reported in upper Cook Inlet tend to occur when their primary prey (anadromous fish for resident killer whales and CIBWs for transient killer whales) are also in the area (Shelden *et al.,* 2003). Previous sightings of transient killer whales have documented pod sizes in upper Cook Inlet between one and six individuals (Shelden *et al.,* 2003). The potential for exposure of killer whales within the Level B harassment isopleths is anticipated to be extremely low. Level B harassment take is conservatively estimated at no more than one small pod (6 individuals). No Level A harassment take for killer whales is anticipated or authorized due to the small Level A harassment zones (Table 6) and implementation of a 100 m shutdown which is larger than Level A harassment isopleths, and described below in the Mitigation section.

Harbor Porpoise

Previous monitoring data at the POA were used to evaluate daily sighting rates for harbor porpoises in the project area. During most years of monitoring, no harbor porpoises were observed; however, during Phase 1 of the PCT project (2020), 18 individuals (15 groups) were observed near the POA, with group sizes ranging from 1–2 individuals. The highest daily sighting rate for any recorded year during pile installation and removal associated with the PCT was an average of 0.09 harbor porpoise per day during 2009 construction monitoring, but this value may not account for increased sightings in Upper Cook Inlet or range extensions (Shelden *et al.,* 2014). Therefore, the POA estimates that one harbor porpoise could be observed every 2 days of pile driving. Based on this assumption, the POA has requested, and NMFS is authorizing, twelve Level B harassment exposures during the 24 days of pile driving.

Harbor porpoises are relatively small cetaceans that move at high velocities, which can make their detection and identification at great distances difficult. Despite this, PSOs during Phase 1 PCT construction monitoring (61 North Environmental, 2021) were able to detect harbor porpoises as far as 6,486 m from the PCT, indicating that the monitoring methods detailed in the final IHAs for Phase 1 and Phase 2 PCT construction (85 FR 19294; April 6, 2020), (and described below in the Mitigation section for the SFD) allowed for harbor porpoises to be detected at great distances. Therefore, no Level A harassment take for harbor porpoises is anticipated or authorized for the SFD. The POA anticipates that the majority of piles will be driven using vibratory methods. Using the NMFS User Spreadsheet, vibratory driving 24-inch and 36-inch piles results in Level A harassment isopleths that are smaller than the 100-m shutdown zone, described below in the Mitigation section (≤26 m; Table 6). The Level A harassment isopleths calculated using the NMFS User Spreadsheet for impact driving 24-inch and 36-inch piles are larger (≤1,387 m; Table 6); however, the

POA is required to shut down pile driving activities should a harbor porpoise be observed entering or within an established Level A harassment zone. In addition, Level A harassment isopleths consider long durations and harbor porpoise are likely moving through the area, if present, not lingering. Further few harbor porpoises are expected to approach the project area and are likely to be sighted prior to entering the Level A harassment zone. During Phase 1 PCT construction monitoring (61 North Environmental, 2021) only five harbor porpoises were observed near the PCT and within the largest Level A harassment zone for SFD (1,387 m; Table 7). Given that the POA anticipates that only a small number of piles (up to five), may be driven with an impact hammer (requiring up to 20 minutes of impact installation each at 1 pile per day), the likelihood that harbor porpoises will be in these larger zones is minimized. Accounting for measures described below in the Mitigation section below and the low likelihood that individual harbor porpoises will appear undetected within the Level A harassment zones, we agree with the POA and do not authorize any Level A harassment takes of harbor porpoises during the construction of the SFD.

Steller Sea Lion

Steller sea lions are anticipated to be encountered in low numbers, if at all, within the project area. Three sightings of what was likely a single individual occurred in the project area in 2009, two sightings occurred in 2016, one occurred in 2019, and up to six individuals were observed in 2020 (4 in May and 2 in June). Based on observations in 2016, the POA anticipates an exposure rate of two individuals every 19 days during SFD pile installation and removal. Based on this rate, The POA anticipates that there could be up to four harassment exposures of Steller sea lions during the 24 days of SFD pile installation and removal.

Sea lions are known to travel at high speeds, in rapidly changing directions, and have the potential to be counted multiple times. Because of this the POA anticipates that, despite all precautions, sea lions could enter the Level A harassment zone before a shutdown could be fully implemented. For example, in 2016 during the POA TPP, a Steller sea lion was first sighted next to a work boat and within the Level A harassment zone. Nine PSOs had been monitoring for the presence of marine mammals near the construction activities at this time, but they did not observe the approaching sea lion. Sea lions are known to be curious and willing to approach human activity closely, and they can swim with a low profile. The incident was recorded as a Level A harassment take and raises concern for the POA that a sighting of a Steller sea lion within the Level A harassment zones, while unlikely, could occur. While Level A harassment takes are unlikely given the low likelihood of sea lions in the project area, the small Level A harassment isopleths (<46 m; Table 6), and the required mitigation measures, including the implementation of shutdown zones and the use of PSOs, we authorize the POA's request that a small number of Steller sea lions could be exposed to Level A harassment levels. Therefore, we authorize that two Steller sea lions could be exposed to Level A harassment levels and 2 Steller sea lions could be exposed to Level B harassment levels.

Harbor Seals

No known harbor seal haulout or pupping sites occur in the vicinity of the POA; therefore, exposure of harbor seals to in-air noise is not considered in this application, and no take for in-air exposure is requested. Harbor seals are not known to reside in the project area, but they are seen regularly near the mouth of Ship Creek when salmon are running, from July through September. With the exception of newborn pups, all ages and sexes of harbor seals could occur in the project area during construction of the SFD. Any harassment of harbor seals during pile installation will involve a limited number of individuals that may potentially swim through the project area or linger near Ship Creek.

Marine mammal monitoring data were used to examine hourly sighting rates for harbor seals in the project area. Sighting rates of harbor seals were highly variable and appeared to have increased during monitoring between 2005 and 2020 (See Table 4–1 in POA's application). It is unknown whether any potential increase was due to local population increases or habituation to ongoing construction activities. The highest monthly hourly sighting rate (rounded) observed during previous monitoring at the POA was used to quantify take of harbor seals for pile installation associated with the SFD. This occurred in 2020 during Phase 1 PCT construction monitoring, when harbor seals were observed from May through September. A total of 340 harbor seals were observed over 1,237.7 hours of monitoring, at a rate of 0.3 harbor seals per hour. The maximum monthly hourly sighting rate occurred in September and was 0.51 harbor seals per hour. Based on these data, the POA estimates that approximately 1 harbor seal may be observed near the project per hour of hammer use. During the 21 hours of anticipated pile installation and removal, the POA estimates that up 21 harbor seals will be exposed to in-water noise levels exceeding harassment thresholds for pile installation and removal during SFD construction.

All efforts will be taken to shut down prior to a harbor seal entering the appropriate shutdown zone and prior to a harbor seal entering the Level A harassment zones. However, harbor seals often are curious of onshore activities, and previous monitoring suggests that this species may mill at the mouth of Ship Creek. It is important to note that the mouth of Ship Creek is about 700 m from the southern end of the SFD and is outside the Level A harassment zones for harbor seals during both unattenuated and attenuated vibratory and impact pile installation and removal (Table 6). While exposure is anticipated to be minimized because pile installation and removal will occur intermittently over the short construction period, the POA is requesting Level A harassment take for a small number of harbor seals, given the potential difficulty of detecting harbor seals and their consistent use of the area. Given that 30 harbor seals (8.6 percent) of all harbor seals and unidentified pinnipeds were detected within 624 m, the largest Level A harassment zone for SFD, during PCT Phase 1 construction monitoring (61 North Environmental, 2021), POA requests and NMFS authorizes that two harbor seals (8.6 percent of 21 exposures rounded up) could be exposed to Level A harassment levels and 19 harbor seals could be exposed to Level B harassment levels.

Beluga Whales

For CIBWs, we looked at several sources of information on marine mammal occurrence in upper Cook Inlet to determine how best to estimate the potential for exposure to pile driving noise from the SFD Project. In their application, the POA estimated Level B harassment take following methods outlined in the PCT final IHA (85 FR 19294; April 6, 2020), which relies on monitoring data of CIBWs published in Kendall and Cornick (2015). For the SFD application, POA also considered monitoring data of CIBWs collected during Phase 1 of the PCT project (61 North Environmental, 2021). These data sets (Kendall and Cornick, 2015, and 61 North Environmental, 2021) cover all months the POA could conduct pile driving for the SFD and they are based

on all animals observed during scientific monitoring within the proximity of the SFD regardless of distance. Hourly sighting rates for CIBWs for each calendar month were calculated using documented hours of observation and CIBW sightings from April through November for 2005, 2006, 2008 and 2009 (Kendall and Cornick, 2015) and 2020 (61 North Environmental, 2021) (Table 7). The highest calculated monthly hourly sighting rate of 0.94 whales per hour was used to calculate potential CIBW exposures (21 hours of pile installation and removal multiplied by 0.94 whales/hour). Using this method, the POA estimated that 20 CIBWs (rounded from 19.75) could be exposed to the Level B harassment level during pile installation and removal associated with the construction of the SFD. These calculations assume no mitigation and that all animals observed will enter a given Level B harassment zone during pile driving.

TABLE 7—SUMMARY OF CIBWS SIGHTING DATA FROM APRIL–NOVEMBER 2005–2009 AND APRIL–NOVEMBER 2020

Month	Total hours	Total groups	Total whales	Whales/hour
April	52.50	13	35	0.67
May	457.40	53	208	0.45
June	597.77	37	122	0.20
July	552.67	14	27	0.05
August	577.30	120	543	0.94
September	533.03	124	445	0.83
October	450.70	9	22	0.05
November	346.63	52	272	0.78

Data compiled from Kendall and Cornick (2015) and (61 North Environmental, 2021).

To more accurately estimate potential exposures than simply using the monthly sighting rate data, which does not account for any mitigation, POA followed methods described by NMFS for the PCT final IHA (85 FR 19294; April 6, 2020), which looked at previous monitoring results at the POA in relation to authorized take numbers. Between 2008 and 2012, NMFS authorized 34 CIBW takes per year to POA, with mitigation measures similar to the measures required here. The percent of the authorized takes documented during this time period ranged from 12 to 59 percent with an average of 36 percent (Table 8). In 2020, NMFS authorized 55 CIBW takes in Phase 1 of the PCT project, with mitigation and monitoring measures that are consistent with those required for the SFD and described below in the Mitigation section. The percent of the authorized takes that were documented was 47 percent (26 out of 55 exposures; 61 North Environmental, 2021; Table 8). Given that there was extensive monitoring occurring across all IHAs (with effort intensified in 2020), we believe there is little potential that animals were taken but not observed.

TABLE 8—AUTHORIZED AND REPORTED CIBW TAKES DURING POA ACTIVITIES FROM 2009–2012 AND 2020

ITA effective dates	Reported takes	Authorized takes	Percent of authorized takes
15 July 2008–14 July 2009	12	34	35
15 July 2009–14 July 2010	20	34	59
15 July 2010–14 July 2011	13	34	38
15 July 2011–14 July 2012	4	34	12
1 April 2020–31 March 2021	26	55	47

As described in the POA's application and in more detail in the Mitigation section, mitigation measures have been designed to reduce Level B harassment take as well avoid Level A harassment take. We recognize that in certain situations, pile driving may not be able to be shut down prior to whales entering the Level B harassment zone due to safety concerns. During previous monitoring, sometimes CIBWs were initially sighted outside of the harassment zone and shutdown was called, but the CIBWs swam into the harassment zone before activities could be halted, and exposure within the harassment zone occurred. For example, on September 14, 2009, a construction observer sighted a CIBW just outside the harassment zone, moving quickly towards the 1,300 m Level B harassment zone during vibratory pile driving. The animal entered the harassment zone before construction activity could be shut down (ICRC, 2010). On other occasions, CIBWs were initially observed when they surfaced within the harassment zone. For example, on November 4, 2009, 15 CIBWs were initially sighted approximately 950 m north of the project site near the shore, and then they surfaced in the Level B harassment zone during vibratory pile driving (ICRC, 2010). Construction activities were immediately shut down, but the 15 CIBWs were nevertheless exposed within the Level B harassment zone. During Phase 1 of the PCT project all 26 of the recorded takes were instances where the whales were first sighted within the Level B harassment zone, prompting shutdown procedures. Most of these exposures (21 of 26) occurred when the CIBWs first appeared near the northern station, just south of Cairn Point (61 North Environmental, 2021). For example, on November 21, 2020 one CIBW was sighted in front of the north PSO station, located just south of Cairn Point, traveling south during vibratory removal of an attenuated 36-inch pile and a shutdown was called immediately (61 North Environmental, 2021). In 2020, the northern station did not have visibility of the near shoreline north of Cairn Point. As a result, CIBWs traveling south during ebb tides around Cairn Point were often inside of the Level B harassment zone upon first sighting (61 North Environmental,

2021). As described below in the Monitoring and Reporting section, mitigation and monitoring approaches for the SFD project are modeled after the stipulations outlined in the final IHAs for Phase 1 and Phase 2 PCT construction (85 FR 19294; April 6, 2020), but one of the PSO stations will be moved to enhance visibility to the north, especially near Cairn point. Therefore, we believe the ability to detect whales and shut down prior to them entering the Level B harassment zones will be better or consistent with previous years.

To account for these mitigation measures, the POA then applied the highest percentage of previous takes (59 percent) to ensure potential impacts to CIBWs are adequately evaluated. After applying this adjustment to account for potential exposures of CIBWs that will be avoided by shutting down, the POA estimated that 12 CIBWs (20 whales * 0.59 = 11.80 whales; 12 rounded up) may be exposed to Level B harassment during pile installation and removal. The POA and NMFS are concerned, however, that this approach does not accurately reflect the reality that CIBWs can travel in large groups. Large groups of CIBWs have been seen swimming through the POA vicinity during POA monitoring efforts. For example, during Phase 1 of the PCT, the mean group size was 4.34 whales; however, 52 percent of observations were of groups greater than the mean group size, with 5 percent of those 119 groups being larger than 12 individuals, the number of exposures proposed by POA (61 North Environmental, 2021).

To ensure that a large group of CIBWs will not result in the POA using the majority or all of their take in one or two sightings, POA buffered the exposure estimate detailed in the preceding paragraph by adding the estimated size of a notional large group of CIBWs. The 95th percentile is commonly used in statistics to evaluate risk. Therefore, to determine the most appropriate size of a large group, the POA calculated the 95 percentile group size of CIBWs observed during Kendall and Cornick (2015) and 2020 Phase 1 PCT construction monitoring (61 North Environmental, 2021); the same data used above to derive hourly sighting rates (Table 7 and Figure 3). In this case, the 95th percentile provides a conservative value that reduces the risk to the POA of taking a large group of CIBWs and exceeding authorized take levels. The 95th percentile of group size for the Kendall and Cornick (2015) and the PCT Phase 1 monitoring data (61 North Environmental, 2021) is 12.0. This means that, of the 422 documented CIBW groups in these data sets, 95 percent consisted of fewer than 12.0 whales; 5 percent of the groups consisted of more than 12.0. Considering large group size, the POA requests and we authorize 24 takes (accounting for the 12 takes calculated following the methods outlined for the PCT project that accounts for mitigation plus a group size of 12) of CIBWs incidental to pile driving for the SFD. Incorporation of large groups into the CIBW exposure estimate is intended to reduce risk to the POA of the unintentional take of a larger number of belugas than would be authorized by using the required methods alone and thus improve our estimate of exposure. No Level A harassment is expected or authorized given the small Level A harassment zones for CIBWs (Table 6) and the additional mitigation measures described in the Mitigation section below specific to CIBWs, including the measure that pile driving activities must shut down when any CIBW enters the relevant Level B harassment zone.

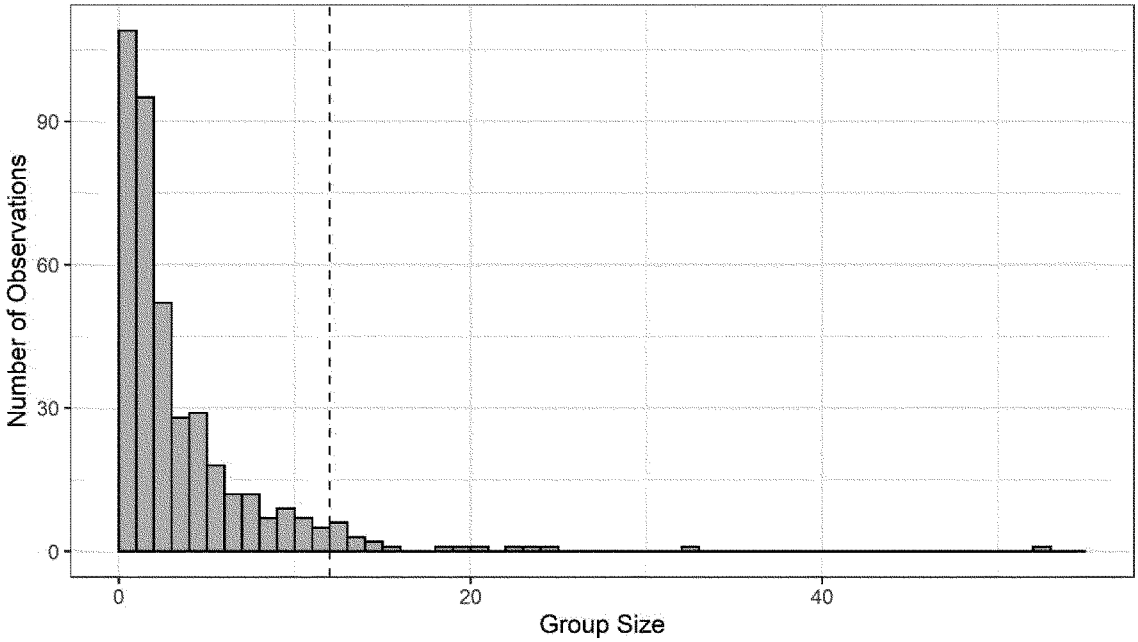

Figure 3. CIBW sighting data from Kendall and Cornick (2015) and Phase 1 of the PCT (61 North Environmental, 2021). The dashed vertical line represents the 95th percentile of group size (*i.e.*, 12 CIBWs)

In summary, the total amount of Level A harassment and Level B harassment authorized for each marine mammal stock is presented in Table 9.

TABLE 9—AUTHORIZED AMOUNT OF TAKE, BY STOCK AND HARASSMENT TYPE

Species	Stock	Authorized take		Percent of stock
		Level A	Level B	
Humpback whale	Western N. Pacific	0	2	0.19
Beluga whale	Cook Inlet	0	24	8.60
Killer whale	Transient/Alaska Resident	0	6	1.02/0.26
Harbor porpoise	Gulf of Alaska	0	12	0.04
Steller sea lion	Western	2	2	<0.01
Harbor seal	Cook Inlet/Shelikof	2	19	0.07

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The POA presented mitigation measures in Section 11 of their application that were modeled after the stipulations outlined in the final IHAs for Phase 1 and Phase 2 PCT construction (85 FR 19294; April 6, 2020), which were successful in minimizing the total number and duration of Level B harassment exposures for endangered CIBWs during Phase 1 PCT Construction (61 North Environmental, 2021). These measures both reduce noise into the aquatic environment and reduce the potential for CIBWs to be adversely impacted from any unavoidable noise exposure.

A key mitigation measure NMFS considered for this project is reducing noise levels propagating into the environment. The POA will deploy an unconfined bubble curtain system during installation and removal of plumb (vertical) 24- and 36-inch piles with a vibratory or impact hammer. An unconfined bubble curtain is composed of an air compressor(s), supply lines to deliver the air, distribution manifolds or headers, perforated aeration pipe, and a frame. The frame facilitates transport and placement of the system, keeps the aeration pipes stable, and provides ballast to counteract the buoyancy of the aeration pipes in operation. The air is released through a series of vertically distributed bubble rings that create a cloud of bubbles that act to impede and scatter sound, lowering the sound velocity. A compressor provides a continuous supply of compressed air, which is distributed among the layered bubble rings. Air is released from small holes in the bubble rings to create a curtain of air bubbles surrounding the pile. The curtain of air bubbles floating to the surface inhibits the transmission of pile installation sounds into the surrounding water column. The final design of the bubble curtain will be determined by the Construction Contractor based on factors such as water depth, current velocities, and pile sizes. However, the IHA requires the bubble curtain be operated in a manner consistent with the following performance standards:

- The aeration pipe system will consist of multiple layers of perforated pipe rings, stacked vertically in accordance with the following depths: Two layers for water depths <5 m; four layers for water depths 5 m to <10 m; seven layers for water depths 10 m to <15 m; ten layers for water depths 15 m to <20 m; and thirteen layers for water depths 20 m to <25 m;
- The pipes in all layers will be arranged in a geometric pattern that will allow for the pile being driven to be completely enclosed by bubbles for the full depth of the water column and with a radial dimension such that the rings are no more than 0.5 m from the outside surface of the pile;
- The lowest layer of perforated aeration pipe will be designed to ensure contact with the substrate without burial and will accommodate sloped conditions;
- Air holes will be 1.6 millimeters (1/16 inch) in diameter and will be spaced approximately 20 millimeters (¾ inch) apart. Air holes with this size and spacing will be placed in four adjacent rows along the pipe to provide uniform bubble flux;
- The system will provide a bubble flux of 3 cubic meters (m^3) per minute per linear meter of pipe in each layer (32.91 cubic feet (ft^3) per minute per linear foot of pipe in each layer). The total volume (Vt) of air per layer is the product of the bubble flux and the circumference of the ring using the formula: Vt = 3.0 m^3/min/m * Circumference of the aeration ring in meters or Vt = 32.91 ft^3/min/ft * Circumference of the aeration ring in feet; and
- Meters must be provided as follows:
  - Pressure meters must be installed at all inlets to aeration pipelines and at points of lowest pressure in each branch of the aeration pipeline;
  - Flow meters must be installed in the main line at each compressor and at each branch of the aeration pipelines at each inlet. In applications where the feed line from the compressor is continuous from the compressor to the aeration pipe inlet, the flow meter at the compressor can be eliminated; and

○ Flow meters must be installed according to the manufacturer's recommendation based on either laminar flow or non-laminar flow.

The bubble curtain will be used during installation and removal of all plumb piles when water depth is great enough (approximately 3 m or 9.8 ft) to deploy the bubble curtain. A bubble curtain will not be used with the two battered piles due to the angle of installation. It is important to note that a small number of piles could be installed or removed when the pile location is de-watered (no water present) or when the water is too shallow (≤3 m or 9.8 ft) to deploy the bubble curtain. The tides at the POA have a mean range of about 8.0 m (26 ft) (NOAA, 2015), and low water levels will prevent proper deployment and function of the bubble curtain system. Piles that are driven at a location that is de-watered will not use a bubble curtain, and marine mammal harassment zones will not be monitored. When piles are installed or removed in water without a bubble curtain because the pile orientation is battered, or if water is too shallow (≤3 m or 9.8 ft) to deploy the bubble curtain, the unattenuated Level A and Level B harassment zones for that hammer type and pile size will be implemented.

In addition to noise attenuation devices, POA and NMFS considered practicable work restrictions. Given the extensive Level B harassment zone generated from the installation of the two unattenuated battered piles, vibratory driving these large piles during peak CIBW season poses an amount of risk and uncertainty to the degree that it should be minimized. This August and September peak is confirmed through acoustic monitoring (Castellote *et al.,* 2020) and Phase 1 PCT construction monitoring (61 North Environmental, 2021). Castellote *et al.* (2020) for example indicate CIBWs appeared concentrated in the upper inlet year-round, but particularly feeding in river mouths from April–December, shifting their geographical foraging preferences from the Susitna River region towards Knik Arm in mid-August, and dispersing towards the mid inlet throughout the winter. Further, hourly sighting rates calculated from monitoring data from Kendall and Cornick (2015) and Phase 1 of the PCT (61 North Environmental, 2021) were highest in August and September (0.94 and 0.83, respectively; Table 8). Therefore, vibratory driving unattenuated battered piles (which have, by far, the largest Level B harassment zones) will not occur during August or September. Further, to minimize the potential for overlapping sound fields from multiple stressors, the POA will not simultaneously operate two vibratory hammers for either pile installation or removal. This measure is designed to reduce simultaneous in-water noise exposure. Because impact hammers will not likely be dropping at the same time, and to expedite construction of the project to minimize pile driving during peak CIBW abundance periods, NMFS is not proposing to restrict the operation of two impact hammers at the same time. Given the small size of the project and the plan to primarily drive hammers with a vibratory hammer, the POA has indicated that it is highly unlikely that an impact hammer and vibratory hammer or two impact hammers will operate simultaneously during the SFD project.

Additional mitigation measures include the following, modeled after the stipulations outlined in the final IHAs for Phase 1 and Phase 2 PCT construction (85 FR 19294; April 6, 2020):

For in-water construction involving heavy machinery activities other than pile driving (*e.g.,* use of barge-mounted excavators), the POA will cease operations and reduce vessel speed to the minimum level required to maintain steerage and safe working conditions if a marine mammal approaches within 10 m of the equipment or vessel.

POA must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a thirty-second waiting period, then two subsequent reduced energy strike sets. A soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer. Soft starts will not be used for vibratory pile installation and removal. PSOs shall begin observing for marine mammals 30 minutes before ''soft start'' or in-water pile installation or removal begins.

The POA will conduct briefings for construction supervisors and crews, the monitoring team, and POA staff prior to the start of all pile installation and removal, and when new personnel join the work in order to explain responsibilities, communication procedures, the marine mammal monitoring protocol, and operational procedures.

The POA will employ PSOs per the Marine Mammal Monitoring Plan (see Appendix A in the POA's application).

Marine mammal monitoring will take place from 30 minutes prior to initiation of pile installation and removal through 30 minutes post-completion of pile installation and removal. The Level B harassment zone must be fully visible for 30 minutes before the zone can be considered clear. Pile driving will commence when observers have declared the shutdown zone clear of marine mammals or the mitigation measures developed specifically for CIBWs (below) are satisfied. In the event of a delay or shutdown of activity, marine mammal behavior will be monitored and documented until the marine mammals leave the shutdown zone of their own volition, at which point pile installation or removal will begin. Further, NMFS requires that if pile driving has ceased for more than 30 minutes within a day and monitoring is not occurring during this break, another 30-minute pre-pile driving observation period is required before pile driving may commence.

If a marine mammal is entering or is observed within an established Level A harassment zone or shutdown zone, pile installation and removal will be halted or delayed. Pile driving will not commence or resume until either the animal has voluntarily left and been visually confirmed 100 m beyond the shutdown zone and on a path away from such zone, or 15 minutes (non-CIBWs) or 30 minutes (CIBWs) have passed without subsequent detections.

If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes are met, is observed approaching or within the Level B harassment zone, pile installation and removal will shut down immediately. Pile driving will not resume until the animal has been confirmed to have left the area or the 30 minute observation period has elapsed.

In addition to these measures which greatly reduce the potential for harassment of all marine mammals and establish shutdown zones that realistically reflect non-CIBW whale detectability, the following additional mitigation measures will ensure valuable protection and conservation of CIBWs:

Prior to the onset of pile driving, should a CIBW be observed approaching the mouth of Knik Arm, pile driving will be delayed. An in-bound pre-clearance line extends from Point Woronzof to approximately 2.5 km west of Point McKenzie. Pile driving may commence once the whale(s) moves at least 100 m past the Level B harassment zone or pre-clearance zone (whichever is larger) and on a path away from the zone. A similar pre-pile driving clearance zone will be established to the

north of the POA (from Cairn Point to the opposite bank), allowing whales to leave Knik Arm undisturbed. Similar to the in-bound whale clearance zone, pile driving may not commence until a whale(s) moves at least 100 m past the Level B harassment zone or pre-clearance zone (whichever is larger) and on a path away from the zone. If non-CIBW whale species are observed within or likely to enter the Level B harassment zone prior to pile driving, the POA may commence pile driving but only if those animals are outside the relevant shutdown zone and Level B harassment takes have not been exceeded.

If pile installation or removal has commenced, and a CIBW(s) is observed within or likely to enter the Level B harassment zone, pile installation or removal will shut down and not re-commence until the whale has traveled at least 100 m beyond the Level B harassment zone and is on a path away from such zone or until no CIBW has been observed in the Level B harassment zone for 30 minutes

There may be situations where it is not possible to monitor the entire Level B harassment zone (*e.g.,* during vibratory hammering of two unattenuated battered piles). In these cases, the pre-clearance zone remains applicable.

If during installation and removal of piles, PSOs can no longer effectively monitor the entirety of the CIBW Level B harassment zone due to environmental conditions (*e.g.,* fog, rain, wind), pile driving may continue only until the current segment of pile is driven; no additional sections of pile or additional piles may be driven until conditions improve such that the Level B harassment zone can be effectively monitored. If the Level B harassment zone cannot be monitored for more than 15 minutes, the entire Level B harassment zone will be cleared again for 30 minutes prior to pile driving.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that the required mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The POA will implement a marine mammal monitoring and mitigation strategy intended to avoid and minimize impacts to marine mammals (see Appendix A in the POA's application). The marine mammal monitoring and mitigation program that is planned for SFD construction will be modeled after the stipulations outlined in the final IHAs for Phase 1 and Phase 2 PCT construction (85 FR 19294; April 6, 2020). The POA will collect electronic data on marine mammal sightings and any behavioral responses to in-water pile installation or removal for species observed during pile installation and removal associated with the SFD Project. Four PSO teams will work concurrently to provide full coverage for marine mammal monitoring in rotating shifts during in-water pile installation and removal. All PSOs will be trained in marine mammal identification and behaviors. NMFS will review submitted PSO resumes and indicate approval as warranted.

All PSOs will also undergo project-specific training, which will include training in monitoring, data collection, theodolite operation, and mitigation procedures specific to the SFD Project. This training will also include site-specific health and safety procedures, communication protocols, and supplemental training in marine mammal identification and data collection specific to the SFD Project. Training will include hands-on use of required field equipment to ensure that all equipment is working and PSOs know how to use the equipment.

Eleven PSOs will be distributed at four stations: Anchorage Downtown Viewpoint near Point Woronzof, the Anchorage Public Boat Dock at Ship Creek, the SFD Project site, and the north end of POA property. These locations were chosen to maximize CIBW detection outside of Knik Arm and the mouth of Knik Arm. Specifically, PSOs at Port Woronzof will have unencumbered views of the entrance to Knik Arm and can provide information on CIBW group dynamics (*e.g.,* group size, demographics, etc.) and behavior of animals approaching Knik Arm in the absence of and during pile driving. During the time since the POA submitted their final application, observers for the 2020 PCT Phase 1 project have recommended, and NMFS has included in the IHA, that the Ship Creek station be moved about 40 m to the end of the promontory to enhance visibility to the north, especially near Cairn point. The POA also considered moving a station from the POA property to Port MacKenzie for an improved view of CIBWs moving from north to south within Knik Arm. However, Port MacKenzie is not an available option due to logistical reasons; therefore, the northern station will remain located on POA property.

Each of the PSO stations will be outfitted with a cargo container with an observation platform constructed on top. This additional elevation provides better viewing conditions for seeing distant marine mammals than from ground level and provides the PSOs with protection from weather. At least two PSOs will be on watch at any given time at each station; one PSO will be observing, one PSO will be recording data (and observing when there are no

data to record). The station at the SFD site will have at least two PSOs. The northern and southern observations stations will have PSOs who will work in three- to four-person teams. Teams of three will include one PSO who will be observing, one PSO who will be recording data (and observing when there are no data to record), and one PSO who will be resting. When available, a fourth PSO will assist with scanning, increasing scan intensity and the likelihood of detecting marine mammals. PSOs will work on a 30 to 60 minute rotation cycle and may observe for no more than 4 hours at time and no more than 12 hours per day. In addition, if POA is conducting non-PCT-related in-water work that includes PSOs, the PCT PSOs must be in real-time contact with those PSOs, and both sets of PSOs must share all information regarding marine mammal sightings with each other.

Trained PSOs will have no other construction-related tasks or responsibilities while conducting monitoring for marine mammals. Observations will be carried out using combinations of equipment that include 7 by 50 binoculars, 20x/40x tripod mounted binoculars, 25 by 150 ''big eye'' tripod mounted binoculars (North End, Ship Creek, and Woronzof), and theodolites. PSOs will be responsible for monitoring the shutdown zones, the Level A harassment zones, the Level B harassment zones, and the pre-clearance zones, as well as effectively documenting Level A and Level B harassment take. They will also (1) report on the frequency at which marine mammals are present in the project area, (2) report on behavior and group composition near the POA, (3) record all construction activities, and (4) report on observed reactions (changes in behavior or movement) of marine mammals during each sighting. Observers will monitor for marine mammals during all in-water pile installation and removal associated with the SFD Project. Once pile installation and removal are completed for the day, marine mammal observations will continue for 30 minutes. Observers will work in collaboration with the POA to immediately communicate the presence of marine mammals prior to or during pile installation or removal.

A draft report, including all electronic data collected and summarized from all monitoring locations, must be submitted to NMFS' MMPA program within 90 days of the completion of monitoring efforts. The report must include: Dates and times (begin and end) of all marine mammal monitoring; a description of daily construction activities, weather parameters and water conditions during each monitoring period; number of marine mammals observed, by species, distances and bearings of each marine mammal observed to the pile being driven or removed, age and sex class, if possible; number of individuals of each species (differentiated by month as appropriate) detected within the Level A harassment zones, the Level B harassment zones, and the shutdown zones, and estimates of number of marine mammals taken, by species (a correction factor may be applied); description of mitigation implemented, and description of attempts to distinguish between the number of individual animals taken and the number of incidences of take. A final marine mammal monitoring report will be prepared and submitted to NMFS within 30 days following receipt of comments on the draft report from NMFS.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analyses applies to all the species listed in Table 9 for which we authorized take, other than CIBWs, as the anticipated effects the POAs activities on marine mammals are expected to be relatively similar in nature. For CIBWs, there are meaningful differences in anticipated individual responses to activities, impact of expected take on CIBWs, or impacts on habitat; therefore, we provide a supplemental analysis for CIBWs, independent of the other species for which we authorize take.

NMFS has identified key factors which may be employed to assess the level of analysis necessary to conclude whether potential impacts associated with a specified activity should be considered negligible. These include (but are not limited to) the type and magnitude of taking, the amount and importance of the available habitat for the species or stock that is affected, the duration of the anticipated effect to the species or stock, and the status of the species or stock. The following factors support negligible impact determinations for the affected stocks of humpback whales, killer whales, harbor porpoise, harbor seals, and Steller sea lions. The potential effects of the specified actions on these species are discussed above. Some of these factors also apply to CIBWs; however, a more detailed analysis for CIBWs is provided below.

- No takes by mortality or serious injury are anticipated or authorized;
- The number of total takes (by Level A and Level B harassment) are less than 2 percent of the best available abundance estimates for all stocks;
- Take will not occur in places and/or times where take would be more likely to accrue to impacts on reproduction or survival, such as within ESA-designated or proposed critical habitat, biologically important areas (BIA), or other habitats critical to recruitment or survival (*e.g.,* rookery);
- Take will occur over a short timeframe (*i.e.,* up to 21 total hours spread over nine to 24 non-consecutive days), and will be limited to the short duration a marine mammal would likely be present within a Level B harassment zone during pile driving. This short timeframe minimizes the probability of multiple exposures on individuals, and any repeated exposures that do occur are not expected to occur on sequential days, decreasing the likelihood of physiological impacts caused by chronic stress or sustained energetic impacts that might affect survival or reproductive success;
- Any impacts to marine mammal habitat from pile driving (including to prey sources as well as acoustic habitat,

e.g., from masking) are expected to be temporary and minimal; and

• Take will only occur within upper Cook Inlet—a limited, confined area of any given stock's home range.

For CIBWs, we further discuss our negligible impact findings in the context of potential impacts to this endangered stock. As described in the Recovery Plan for the CIBW (NMFS, 2016a), NMFS determined the following physical or biological features are essential to the conservation of this species: (1) Intertidal and subtidal waters of Cook Inlet with depths less than 30 feet mean lower low water (9.1 m) and within 5 mi (8 km) of high and medium flow anadromous fish streams; (2) Primary prey species consisting of four species of Pacific salmon (Chinook, sockeye, chum, and coho), Pacific eulachon, Pacific cod, walleye pollock, saffron cod, and yellowfin sole, (3) Waters free of toxins or other agents of a type and amount harmful to CIBWs, (4) Unrestricted passage within or between the critical habitat areas, and (5) Waters with in-water noise below levels resulting in the abandonment of critical habitat areas by CIBWs. The SFD will not impact essential features 1–3 listed above. All construction will be done in a manner implementing best management practices to preserve water quality, and no work will occur around creek mouths or river systems leading to prey abundance reductions. In addition, no physical structures will restrict passage; however, impacts to the acoustic habitat are of concern. Previous marine mammal monitoring data at the POA demonstrate CIBWs indeed pass by the POA during pile driving (*e.g.,* 61 North Environmental, 2021). As described above, there was no significant difference in CIBW sighting rate with and in the absence of pile driving (Kendall and Cornick, 2015). However, CIBWs do swim faster and in tighter formation in the presence of pile driving (Kendall and Cornick, 2015).

Previously there has been concern that exposure to pile driving at the POA could result in CIBWs avoiding Knik Arm and thereby not accessing the productive foraging grounds north of POA such as Eagle River flats based on the specified project and mitigation measures—thus, impacting essential feature number five above (85 FR 19294; April 6, 2020). Although the data previously presented demonstrate whales are not abandoning the area (*i.e.,* no significant difference in sighting rate with and without pile driving), results of a recent expert elicitation (EE) at a 2016 workshop, which predicted the impacts of noise on CIBW survival and reproduction given lost foraging opportunities, helped to inform our assessment of impacts on this stock. The 2016 EE workshop used conceptual models of an interim population consequences of disturbance (PCoD) for marine mammals (NRC, 2005; New *et al.,* 2014, Tollit *et al.,* 2016) to help in understanding how noise-related stressors might affect vital rates (survival, birth rate and growth) for CIBW (King *et al.,* 2015). NMFS (2015, section IX.D—CI Beluga Hearing, Vocalization, and Noise Supplement) suggests that the main direct effects of noise on CIBW are likely to be through masking of vocalizations used for communication and prey location and habitat degradation. The 2016 workshop on CIBWs was specifically designed to provide regulators with a tool to help understand whether chronic and acute anthropogenic noise from various sources and projects are likely to be limiting recovery of the CIBW population. The full report can be found at *http://www.smruconsulting.com/publications/* with a summary of the expert elicitation portion of the workshop below.

For each of the noise effect mechanisms chosen for expert elicitation, the experts provided a set of parameters and values that determined the forms of a relationship between the number of days of disturbance a female CIBW experiences in a particular period and the effect of that disturbance on her energy reserves. Examples included the number of days of disturbance during the period April, May, and June that would be predicted to reduce the energy reserves of a pregnant CIBW to such a level that she is certain to terminate the pregnancy or abandon the calf soon after birth, the number of days of disturbance in the period April–September required to reduce the energy reserves of a lactating CIBW to a level where she is certain to abandon her calf, and the number of days of disturbance where a female fails to gain sufficient energy by the end of summer to maintain themselves and their calves during the subsequent winter. Overall, median values ranged from 16 to 69 days of disturbance depending on the question. However, for this elicitation, a ''day of disturbance'' was defined as any day on which an animal loses the ability to forage for at least one tidal cycle (*i.e.,* it forgoes 50–100 percent of its energy intake on that day). The day of disturbance considered in the context of the report is notably more severe than the Level B harassment expected to result from these activities, which as described is expected be comprised predominantly of temporary modifications in the behavior of individual CIBWs (*e.g.,* faster swim speeds, more cohesive group structure, avoidance, and increased foraging). Also, NMFS anticipates and has authorized 24 instances of takes, with the instances representing disturbance events within a day—this means that either 24 different individual beluga whales are disturbed on no more than one day each, or some lesser number of individuals may be disturbed on more than one day, but with the product of individuals and days not exceeding 24. Given the overall anticipated take, it is very unlikely that any one beluga will be disturbed on more than a few days. Further, the mitigation measures NMFS has prescribed for the SFD project are designed to avoid the potential that any animal will lose the ability to forage for one or more tidal cycles. While Level B harassment (behavioral disturbance) is authorized, our mitigation measures will limit the severity of the effects of that Level B harassment to behavioral changes such as increased swim speeds, tighter group formations, and cessation of vocalizations, not the loss of foraging capabilities. Regardless, this elicitation recognized that pregnant or lactating females and calves are inherently more at risk than other animals, such as males. NMFS first considered proposing the POA shutdown based on more vulnerable life stages (*e.g.,* calf presence) but ultimately determined all CIBWs warranted pile driving shutdown to be protective of potential vulnerable life stages, such as pregnancy, that could not be determined from observations, and to avoid more severe behavioral reaction.

Monitoring data from the POA suggest pile driving does not discourage CIBWs from entering Knik Arm and travelling to critical foraging grounds such as those around Eagle Bay. As previously described, sighting rates were not different in the presence or absence of pile driving (Kendall and Cornick, 2015). In addition, large numbers of CIBWs continued to use Knik Arm in 2020 during the duration of the PCT Phase 1 construction project (61 North Environmental, 2021). These findings are not surprising as food is a strong motivation for marine mammals. As described in Forney *et al.* (2017), animals typically favor particular areas because of their importance for survival (*e.g.,* feeding or breeding), and leaving may have significant costs to fitness (reduced foraging success, increased predation risk, increased exposure to other anthropogenic threats). Consequently, animals may be highly motivated to maintain foraging behavior

in historical foraging areas despite negative impacts (*e.g.,* Rolland *et al.,* 2012). Previous monitoring data indicates CIBWs are responding to pile driving noise, but not through abandonment of critical habitat, including primary foraging areas north of the port. Instead, they travel faster past the POA, more quietly, and in tighter groups (which may be linked to the decreased communication patterns). During PCT Phase 1 construction monitoring, no definitive behavioral reactions to the in-water activity or avoidance behaviors were documented in CIBW. Little variability was evident in CIBW behaviors recorded by PSOs from month to month, or between sightings that coincided with in-water pile installation or removal and those that did not (61 North Environmental, 2021). Of the 245 CIBWs groups sighted during PCT Phase 1 construction monitoring, seven groups were observed during or within minutes of in-water impact pile installation and 37 groups were observed during or within minutes of vibratory pile installation or removal (61 North Environmental, 2021). During impact installation, three of these groups of CIBWs showed no reaction, three showed a potential reaction, and one group continued moving towards impact pile installation. Of the 37 vibratory events monitored, nine groups of CIBWs displayed a potential reaction, 16 displayed no reaction, and 12 continued a trajectory towards the PCT (61 North Environmental, 2021). In general, CIBWs were more likely to display no reaction or to continue to move towards the PCT during pile installation and removal. In the situations during which CIBWs showed a possible reaction (three groups during impact driving and nine groups during vibratory driving), CIBWs were observed either moving away immediately after the pile driving activities started or observed increasing their rate of travel. This traveling behavior past the POA has also been verified by acoustic monitoring. Castellote *et al.* (2020) found low echolocation detection rates in lower Knik Arm indicating CIBWs moved through that area relatively quickly when entering or exiting the Arm. We anticipate that disturbance to CIBWs will manifest in the same manner when they are exposed to noise during the SFD project: Whales move quickly and silently through the area in more cohesive groups. We do not believe exposure to elevated noise levels during transit past the POA has adverse effects on reproduction or survival as the whales continue to access critical foraging grounds north of the POA, and tight associations help to mitigate the potential for any contraction of communication space for a group. We also do not anticipate that CIBWs will abandon entering or exiting Knik Arm, as this is not evident based on previous years of monitoring data (*e.g.,* Kendall and Cornick, 2015; 61 North Environmental, 2021), and the pre-pile driving clearance mitigation measure is designed to further avoid any potential abandonment. Finally, as described previously, both telemetry (tagging) and acoustic data suggest CIBWs likely stay in upper Knik Arm for several days or weeks before exiting Knik Arm. Specifically, a CIBW instrumented with a satellite link time/depth recorder entered Knik Arm on August 18th and remained in Eagle Bay until September 12th (Ferrero *et al.,* 2000). Further, a recent detailed re-analysis of the satellite telemetry data confirms how several tagged whales exhibited this same movement pattern: Whales entered Knik Arm and remained there for several days before exiting through lower Knik Arm (Shelden *et al.,* 2018). This longer-term use of upper Knik Arm will avoid repetitive exposures from pile driving noise.

POA proposed and NMFS has prescribed mitigation measures to minimize exposure to CIBWs, specifically, shutting down pile driving if CIBWs are observed approaching the mouth of Knik Arm, shutting down pile driving should a CIBW approach or enter the Level B harassment zone, stationing PSOs at Point Woronzof and Ship Creek, and not vibratory pile driving unattenuated battered piles during August or September (peak CIBW season). These measures are designed to ensure CIBWs will not abandon critical habitat and exposure to pile driving noise will not result in adverse impacts on the reproduction or survival of any individuals. The location of PSOs at Point Woronzof allows for detection of CIBWs and behavioral observations prior to CIBWs entering Knik Arm. Although NMFS does not anticipate CIBWs will abandon entering Knik Arm in the presence of pile driving with the required mitigation measures, these PSOs will be integral to identifying if CIBWs are potentially altering pathways they would otherwise take in the absence of pile driving. Finally, take by mortality, serious injury, or Level A harassment of CIBWs is not anticipated or authorized.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the CIBWs through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- Area of exposure will be limited to habitat primarily used as a travel corridor. Data demonstrates Level B harassment manifests as increased swim speeds past the POA and tight group formations and not through habitat abandonment;
- No critical foraging grounds (*e.g.,* Eagle Bay, Eagle River, Susitna Delta) will be impacted by pile driving; and
- While animals could be harassed more than once, exposures are not likely to exceed more than a few per year for any given individual and are not expected to occur on sequential days; thereby, decreasing the likelihood of physiological impacts caused by chronic stress or masking.

We also considered our negligible impact analysis with respect to NMFS' technical report released in January 2020 regarding the abundance and status of CIBWs (Shelden and Wade, 2019). As described in the marine mammal section, new analysis indicates the CIBW stock is smaller and declining faster than previously recognized. While this is concerning, NMFS continues to believe the taking authorized (allowed for the cases where shutdowns cannot occur in time to avoid Level B harassment take) will not impact the reproduction or survival of any individuals, much less the stock, and will thereby have a negligible impact. The monitoring measures (four stations each equipped with two PSOs simultaneously on watch at each station) are extensive, such that we find it unlikely whales will undetected. The mitigation measures reduce noise entering the water column (a benefit for all marine mammals) through the use of an unconfined bubble curtain. Further, the exposure risk to CIBWs is greatly minimized through the incorporation of in-bound and out-bound whale pre-pile driving clearance zones. Finally, should pile driving be occurring at the same time a whale is detected, pile driving will shut down prior to its entering the Level B harassment zone. All these measures, as well as other required measures such as soft-starts, greatly reduce the risk of animals not accessing important foraging areas north of the POA, which could result in impacts to individual fitness or annual rates of recruitment or survival. For these reasons, the new status of CIBWs does not ultimately change our findings with respect to the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals

and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the specified activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities. For all stocks, the amount of taking is less than one-third of the best available population abundance estimate (in fact it is less than 9 percent for all stocks considered here; Table 9).

Based on the analysis contained herein of the specified activity (including the required mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an ''unmitigable adverse impact'' on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as an impact resulting from a specified activity that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by either causing the marine mammals to abandon or avoid hunting areas, directly displacing subsistence users, or placing physical barriers between the marine mammals and the subsistence hunters. An ''unmitigable adverse impact'' can also result from a specified activity that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

No subsistence use of CIBWs occurs and subsistence harvest of other marine mammals in upper Cook Inlet is limited to harbor seals. Steller sea lions are rare in upper Cook Inlet; therefore, subsistence use of this species is not common. However, Steller sea lions are taken for subsistence use in lower Cook Inlet. In 2013 and 2014, the Alaska Department of Fish and Game conducted studies to document the harvest and use of wild resources by residents of four tribal communities in Cook Inlet: Tyonek, Nanwalek, Port Graham, and Seldovia (Jones and Kostick, 2016). Tyonek is the community in closest proximity to Knik Arm while the other communities are located lower in Cook Inlet. The only marine mammal species taken by the Tyonek community was harbor seals (from the McArthur River Flats north to the Beluga River (Jones *et al.,* 2015) south of Knik Arm) while communities lower in the inlet relied on harbor seals, Steller sea lions and sea otters (we note the sea otter is under the jurisdiction of the USFWS; therefore, it is not a part of our analysis).

The potential impacts from harassment on stocks that are harvested in Cook Inlet will be limited to minor behavioral changes (*e.g.,* increased swim speeds, changes in dive time, temporary avoidance near the POA, etc.) within the vicinity of the POA. Some PTS may occur; however, the shift is likely to be slight due to the implementation of mitigation measures (*e.g.,* shutdown zones) and the shift will be limited to lower pile driving frequencies which are on the lower end of phocid and otariid hearing ranges. In summary, any impacts to harbor seals will be limited to those seals within Knik Arm (outside of any hunting area) and the very few takes of Steller sea lions in Knik Arm will be far removed in time and space from any hunting in lower Cook Inlet.

Finally, we have not received any communication from Alaska Natives that this project raises concern regarding their subsistence use. The POA alerted 14 tribal organizations and communities to the notice of the proposed IHA. No tribes commented on or expressed concern over subsistence use during the public comment period for the proposed IHA.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the required mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from the POA's specified activities.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Region Protected Resources Division Office.

There are two marine mammal species (CIBWs and western DPS Steller sea lions) with confirmed occurrence in the project area that are listed as endangered under the ESA. The NMFS Alaska Regional Office Protected Resources Division issued a BiOp on August 9, 2021, under section 7 of the ESA, on the issuance of an IHA to the POA under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The BiOp concluded that the specified action is not likely to jeopardize the continued existence of CIBWs or western DPS Steller sea lions, and is not likely to destroy or adversely modify CIBW critical habitat. There is no critical habitat designated for humpback whales or Steller sea lions in the action area.

National Environmental Policy Act

NMFS prepared an EA and analyzed the potential impacts to marine mammals that will result from the POA SFD construction project. This EA was made available to the public for review during the public comment period of the proposed IHA; we did not receive any comments from the public relevant to the EA. A Finding of No Significant Impact (FONSI) was signed on August 10, 2021. A copy of the EA and FONSI is available upon online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Authorization

NMFS has issued an IHA to the POA or the potential harassment of small numbers of six marine mammal species incidental to the SFD project in Knit Arm, Alaska, provided the previously mentioned mitigation, monitoring and reporting requirements are followed.

Dated: August 31, 2021.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–19187 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Discontinuation; NOAA Community-Based Restoration Program Progress Reports

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice, discontinuation of OMB Control Number.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to notify the public that NOAA intends to request discontinuation of OMB Control Number 0648–0472. The information collections under this control number are being merged into NOAA information collection 0648–0718 to improve efficiency and consolidate like collections.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to this discontinuation should be directed to Adrienne Thomas, *Adrienne.thomas@noaa.gov,* 240–477–2372.

SUPPLEMENTARY INFORMATION: On June 8, 2021, a notice was published in the **Federal Register** (86 FR 30444) seeking public comments on NOAA's request to extend information collection 0648–0472, NOAA Community-based Restoration Program Progress Reports, which currently expires December 31, 2021.

In the interest of efficiency and consolidating similar collections, NOAA determined it was appropriate to merge the reporting requirements of 0648–0472 to OMB Control Number 0648–0718, NOAA Financial Assistance Performance Progress Reports. NOAA will publish a 30-day notice of submission for information collection 0648–0718 that identifies this merge request. Once approved by OMB, control number 0648–0472 will be discontinued.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–19267 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB155]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor, Washington

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

ACTION: Notice; proposed modification of two incidental harassment authorizations; request for comments.

SUMMARY: NMFS is proposing to modify the incidental harassment authorizations (IHAs) that were issued to the United States Navy (Navy) on September 25, 2020 for the Transit Protection Program (TPP) construction, due to an elevated harbor seal take rate at the nearby Naval Base Kitsap Bangor Service Pier Project that was unanticipated during the initial analysis for these TPP IHAs. NMFS is proposing to modify the TPP project IHAs to increase authorized take by Level A harassment of harbor seal in the Year 1 IHA, and add Level A harassment take of harbor seal to the Year 2 IHA. NMFS is also proposing to revise the shutdown mitigation provisions for harbor seals in the modified IHAs, and adjust the effective dates of both IHAs to accommodate the Navy's plans to delay the project. The monitoring and reporting measures remain the same as prescribed in the initial IHAs, and no additional take was requested for other species. NMFS will consider public comments on the requested modifications prior to making any final decision and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than October 7, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Davis@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Leah Davis, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHAs), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have

an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

History of Request

On September 25, 2020, NMFS issued two incidental harassment authorizations (IHAs) to the Navy to incidentally harass, by Level A harassment and Level B harassment only, marine mammals during construction activities associated with the Transit Protection Program Pier and Support Facilities Project (TPP project) at Naval Base Kitsap Bangor (Kitsap Bangor) in Silverdale, Washington over two years (85 FR 68291; October 28, 2020). Species authorized for take included killer whale (*Orcinus orca*), harbor porpoise (*Phocoena phocoena*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), and harbor seal (*Phoca vitulina*). The effective dates of those IHAs were July 16, 2021 to January 15, 2022 (Year 1), and July 16, 2022 to January 15, 2023 (Year 2).

NMFS had previously issued an IHA for a separate project at the nearby Kitsap Bangor Service Pier (Service Pier IHA; 83 FR 30406; June 28, 2018) which was subsequently reissued with revised effective dates on July 3, 2019 (reissued Service Pier IHA; 84 FR 31844). On October 14, 2020, NMFS received a request from the Navy for a modification to the Service Pier IHA due to an elevated harbor seal take rate that was unanticipated. A small group of harbor seals (*Phoca vitulina*) repeatedly entered into and remained within the Level A harassment zone, resulting in a take rate that was projected to exceed the authorized limit for this species in the reissued Service Pier IHA (84 FR 31844; July 3, 2019). The Navy felt that without an increase in authorized take of harbor seal, they would be forced to repeatedly shut down whenever animals entered into specified Level A harassment zones, which would likely prolong the duration of in-water construction activities and add increased costs to the project. NMFS published a notice of proposed modification of the reissued Service Pier IHA with a request for comments on November 24, 2020 (85 FR 74989), and issued a modified IHA to the Navy on December 30, 2020 (modified Service Pier IHA; 85 FR 86538) with an increase in authorized Level A harassment of harbor seal and revised shutdown mitigation provisions for harbor seals. The monitoring and reporting measures remained the same as prescribed in the reissued Service Pier IHA, and no additional take was authorized for other species.

Following issuance of the modified Service Pier IHA (85 FR 86538; December 30, 2020), the Navy expressed similar concern regarding the potential for greater-than-anticipated harbor seal activity at the TPP project site, and requested modification of the TPP project IHAs (85 FR 68291; October 28, 2020) given the new harbor seal information and sound source verification (SSV) results from the Service Pier project. Further, the Navy expects to delay the project to accommodate various regulatory schedules. The Navy may begin work during the current in-water work window (July 16, 2021 to January 15, 2022) or the following in-water work window (July 16, 2022 to January 15, 2023).

NMFS is proposing to modify the TPP project IHAs to increase authorized take by Level A harassment of harbor seal in the Year 1 IHA, and add authorized take by Level A harassment of harbor seal in the Year 2 IHA. NMFS is also proposing to revise the shutdown mitigation provisions for harbor seals in the modified IHAs, and adjust the effective dates of the IHAs to accommodate the Navy's planned project delays. The monitoring and reporting measures remain the same as prescribed in the initial IHAs, and no additional take is requested or proposed for species other than harbor seal.

Description of the Proposed Activity and Anticipated Impacts

The modified IHAs would include the same construction activities (*i.e.* impact pile driving, vibratory pile driving, vibratory pile removal) in the same locations that were described in the initial IHAs. The monitoring and reporting measures remain the same as prescribed in the initial IHAs, while revisions to the required mitigation measures have been proposed. NMFS refers the reader to the documents related to the initial IHAs issued on September 25, 2020 (available at *https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-transit-protection-program-pier-and-support-facilities*) for more detailed description of the project activities. Other relevant documents include the notice of proposed IHAs and request for comments (85 FR 48206; August 10, 2020) and notice of issued IHAs (85 FR 68291, October 28, 2020).

Detailed Description of the Action

A detailed description of the construction activities is found in these previous documents. The location, time of year, and nature of the activities, including the types of piles and methods of installation and removal are identical to those described in the previous documents. However, as noted in the History of Request section, the Navy expects to delay the project to accommodate various regulatory schedules, and the Navy may begin work during the current in-water work window (July 16, 2021 to January 15, 2022) or the following in-water work window (July 16, 2022 to January 15, 2023).

Description of Marine Mammals

A description of the marine mammals in the area of the activities is found in these previous documents, which remains applicable to these modified IHAs as well. In addition, NMFS has reviewed the 2020 Stock Assessment Reports (Carretta *et al.,* 2021, Muto *et al.,* 2021), information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts under the initial IHAs. (However, the stock abundance of the West Coast Transient stock of killer whale increased from 243 to 349, Potential Biological Removal increased from 2.4 to 3.5, and annual mortality and serious injury increased from 0 to 0.4 animals. Additionally, the 2020 Pacific SAR (Carretta *et al.,* 2021) states that the annual mortality and serious injury of Eastern U.S. Steller sea lions is 112 animals, rather than 113 stated in the initial IHAs.)

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the initial IHAs, which remains applicable to the issuance of these modified IHA. With the exception of harbor seal exposures, there is no new information on potential effects.

For harbor seals, observations during monitoring for construction at the Kitsap Bangor Service Pier (draft report available at *https://www.fisheries.noaa.gov/national/*

marine-mammal-protection/incidental-take-authorizations-construction-activities) indicated that nine individuals (previously thought to be 8 at the time that the reissued Service Pier IHA was modified (85 FR 86538; December 30, 2020)), were regularly present in relatively close proximity to the pile driving operations at the Service Pier. NMFS modified the reissued Service Pier IHA (85 FR 86538; December 30, 2020), and given the close proximity of the TPP site to the Service Pier site, there is a higher likelihood than initially considered for the TPP IHAs that these same individual harbor seals may incur permanent threshold shift (PTS) at a low-moderate level due to potential repeated, longer-duration exposure to higher levels of sound. (Of note, NMFS has issued a renewal IHA for the Navy's work at the Service Pier (86 FR 45963; August 17, 2021), so these seals could all occur in close proximity to construction at either site, some could occur in close proximity to construction at both sites, or they may no longer express interest in either project.)

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notice of issuance of the initial TPP IHAs (85 FR 68291; October 28, 2020). The types and sizes of piles, installation methods, and marine mammal stocks taken remain unchanged from the initial IHAs. The number of authorized takes is also identical with the exception of harbor seal.

The in-water work window at Kitsap Bangor (when Endangered Species Act (ESA)-listed salmonids are least likely to be present) runs from July 16 through January 15. Pile installation for the Service Pier project started September 4, 2020 with both vibratory and impact pile drivers being employed.

During monitoring for the Service Pier construction, protected species observers (PSOs) identified nine harbor seals that frequented the project area (sometimes entering and remaining within the Level A harassment zone) and became habituated to the in-water construction work. (Note that at the time of the modification to the Service Pier IHA, NMFS was aware of ''at least eight'' identified harbor seals, but since then, the Navy has submitted a preliminary monitoring report identifying nine different harbor seals, and the discussion below reflects the latest information as described in the Navy's preliminary monitoring report for construction at the Service Pier site.) These seals included five pups and four adults which were all individually identified. Two of the pups were seen in the project area on almost a daily basis, and were observed playing in the bubble curtain ring. (Three seals were identified as occurring in the project area almost daily at the time of the modification to the Service Pier IHA.) PSOs recorded seals occasionally exhibiting behaviors such as startle response and fast swimming away from the activity.

These frequent harbor seal observations resulted in excessive shutdowns, and due to these frequent shutdowns, pile installation fell behind schedule. Further, based on the remaining in-water working days for the Service Pier project, the Navy expected, and NMFS concurred, that they would likely exceed authorized take. Additionally, SSV that was conducted during the initial Service Pier project work indicated that the Level A harassment zones for impact driving of 36-inch piles were too large, and modification of those zones was warranted. Please see the notice of the issued, modified Service Pier IHA (85 FR 86538; December 30, 2020) for additional discussion of that modification.

For the TPP IHAs, the Navy used NMFS' User Spreadsheet to calculate the Level A harassment isopleths associated with project activities. Inputs to the model for the initial IHAs are shown in Table 1. Using this model, NMFS calculated a 158-m Level A harassment isopleth for phocids (*i.e.* harbor seals) during impact driving of 36-inch steel piles.

TABLE 1—INPUTS FOR DETERMINING DISTANCES TO CUMULATIVE PTS THRESHOLDS USED IN THE INITIAL TPP IHAS

Pile size and installation method	Spreadsheet tab used	Weighting factor adjustment (kHz)	Source level	Number of piles within 24-h period	Duration to drive a single pile (minutes)	Number of strikes per pile	Propagation (xLogR)	Distance from source level measurement (meters)
36-inch Steel-Impact	(E.1) Impact pile driving	2	173 dB SEL [a]	4	30	400	15	10
24-inch Steel-Vibratory	(A.1) Vibratory pile driving.	2.5	161 dB RMS	[b] 5	60			
30-inch Steel-Vibratory			166 dB RMS					
36-inch Steel-Vibratory			166 dB RMS					

[a] This source level includes an 8dB reduction from the use of a bubble curtain.
[b] The Navy expects to install only 4 piles per day using a vibratory hammer; however, for purposes of calculating the Level A harassment zones, they have conservatively assumed that they may install 5 piles per day.

The Navy conducted SSV in September 2020 at the Service Pier site. Testing was conducted during impact driving of four 36-inch steel piles both with and without bubble curtains. Given the close proximity of the Service Pier site to the TPP site, NMFS determined that it is appropriate to apply the SSV data from the Service Pier site to the TPP site as well. Therefore, NMFS applied the same source level and propagation loss recorded for impact driving of 36-inch piles at the Service Pier site to the Year 1 TPP IHA in this modification. NMFS inserted recorded SSV values for 36-inch piles into the user spreadsheet. The acoustic data for each pile strike were frequency weighted for phocids following NMFS guidance (2016) and then averaged. This resulted in an average phocid weighted single strike SEL of 177 dB re 1μPa2s at 10 m. Using the measured transmission loss at the Service Pier site of 25 (far field) and an assumption of 1,600 strikes per day (same as the initial TPP IHAs-4 piles per day, 400 strikes per pile), the resulting isopleth for phocids was 92 meters (m; Wood *et al.,* 2020). Therefore, NMFS has updated the Level A harassment isopleth for phocids during impact driving of 36-inch piles in the TPP Year 1 IHA to 92 m. (Please see the notice of the issued, modified Service Pier IHA (85 FR 86538; December 30, 2020) for additional discussion regarding how this revised distance was applied to the take estimate for that IHA.) While vibratory is the preferred method of installation, impact driving was needed almost daily at the Service Pier project site, largely due to sediment conditions, and given the close proximity of the Service Pier site to the TPP site, NMFS expects that this could also occur at the TPP site.

Even with the reduction of the phocids Level A harassment isopleth

during impact pile driving from 158 m to 92 m, additional Level A harassment takes of harbor seals are warranted, as the Service Pier preliminary monitoring report states that two habituated individuals were sighted almost daily at the project site, and frequently approached in close proximity to the piles and barges during vibratory pile driving (including within the 30 m shutdown zone for that project).

The Service Pier preliminary monitoring report states that nine individually identifiable harbor seals frequented the project site. These individuals are believed to be habituated by varying degrees to in-water construction activities. Some of them regularly enter and remain within Level A harassment and shutdown zones, and as noted above, two of them (pups) were sighted almost daily at the project site. The remainder of the group of nine are observed less frequently, but still regularly. All nine seals were observed in the initial Service Pier Level A harassment zone on some occasions, with six or more observations on numerous days.

We also note that the area ensonified above the Level A harassment threshold for impact installation of 36-inch piles in this proposed modified TPP Year 1 IHA has been reduced by approximately one third from the initial IHA, and the reissued Service Pier IHA. Based on the Service Pier preliminary monitoring report, NMFS and the Navy agreed that an increase of takes by Level A harassment, to 4 takes per day during Year 1, and 2 takes per day during Year 2, is appropriate. Therefore, NMFS is proposing to authorize 320 takes by Level A harassment during Year 1 (4 takes × 80 in-water work days), and 20 takes by Level A harassment during Year 2 (2 takes × 10 in-water work days). This would allow for one take per day of each of the seals identified as visiting the Service Pier project site almost daily during Year 1 and Year 2, as well as two additional takes by Level A harassment that could be incurred by any of the other seven individuals if two of them entered the shutdown zone each day prior to detection, or a larger group entered every few days.

As was the case for the initial IHAs, no impact pile driving is planned for Year 2, and the Level A harassment zones are smaller during Year 2. Further, while some of the habituated seals at the Service Pier site did come very close to the pile driving site (and even into the bubble curtain deployed for that project), many of the observations within the Level A harassment zone were farther from the pile driving location. Additionally, for Year 2 of the TPP project, harbor seals are unlikely to incur PTS during vibratory driving of 24-inch steel piles (half of the piles planned for installation in Year 2), given that the Level A harassment zone for phocids is 12 m (24-inch piles), and the Navy would have to shut down if any animal enters the area within 10 m of the pile driving site (though, as noted below, the Navy generally plans to shut down for most harbor seals during vibratory driving at 15 m for 24-inch piles). Therefore, during Year 2 of the TPP project, they are only likely to incur PTS during vibratory driving of 30-inch steel piles, and even then, the zone is small (26 m). Most of the takes by Level A harassment in Year 1 and Year 2 are anticipated to occur to a smaller number of habituated individuals.

The total numbers of incidental takes by Level A harassment and Level B harassment, including proposed updated Level A harassment take of harbor seal and as a percentage of population, is shown in Table 2 below. The total number of takes (Level A harassment and Level B harassment combined) has not changed for harbor seal because the additional takes by Level A harassment are assumed to occur to animals that would have previously been counted as taken by Level B harassment. Therefore, NMFS is proposing to reduce authorized Level B harassment take of harbor seal from 2,800 to 2,500 during Year 1, and from 350 to 330 in Year 2.

TABLE 2—TOTAL NUMBERS OF AUTHORIZED TAKES BY LEVEL A AND LEVEL B HARASSMENT AND AS A PERCENTAGE OF POPULATION

Species	Stock	Stock abundance	Year 1			Year 2		
			Level A harassment take	Level B harassment take	Total take (percent of stock)	Level A harassment take	Level B harassment take (percent of stock)	Total take (percent of stock)
Killer whale	West Coast Transient.	243	0	12	12 (4.9)	0	12	12 (4.9).
Harbor porpoise	Washington Inland Waters.	11,233		1,728	1,728 (15.4)		216	216 (1.9).
Steller sea lion	Eastern U.S.	43,201		320	320 (0.7)		40	40 (0.1).
California sea lion	United States	257,606		4,800	4,800 (1.9)		600	600 (0.2).
Harbor seal	Washington Inland Waters, Hood Canal.	Unknown	320	2,500	2,820 (Unknown)	20	330	350 (Unknown).

As stated in the notice of issuance of the initial TPP IHAs (85 FR 68291; October 28, 2020), no current abundance estimate is available for harbor seals. The most recent SAR abundance estimate for harbor seals in Washington inland waters is from 1999, which estimated 1,088 harbor seals in the Washington Inland Waters, Hood Canal stock. It is generally believed that harbor seal populations have increased significantly since (*e.g.,* Mapes, 2013). Jefferson *et al.,* (2017) estimates an in-water abundance of 2,009 harbor seals in the Hood Canal region. The in-water abundance provided in Jefferson *et al.* (2017) did not provide an abundance or correction factor for animals hauled out of the water. Huber *et al.,* 2001 estimated a correction factor of 1.53, but it is important to note that this correction factor applies for counts of hauled-out animals (*e.g.,* animals hauled out multiplied by the correction factor for animals in-water = total abundance). Therefore, it is appropriate to apply this as a ''reverse'' correction factor (2,009/0.53 = 3,791) to account for animals hauled out. Therefore, the total stock abundance estimate is equal to the sum of the in-water abundance plus the estimated abundance of hauled-out animals (2,009 + 3,791 = 5,800 total Hood Canal harbor seals).

The estimated instances of take of the Washington Inland Waters, Hood Canal stock of harbor seals in Year 1 appear high when compared to the latest SAR stock abundance from 1999 or the stock abundance of 5,800 harbor seals described above. However, when other qualitative factors are used to inform an

assessment of the likely number of individual harbor seals taken, the resulting numbers are considered small in Year 1 and Year 2.

As stated in the notice of the initial TPP IHAs (85 FR 68291; October 28, 2020), we anticipate that estimated takes of harbor seals are likely to occur only within some portion of the relevant population, rather than to animals from the stock as a whole. For example, takes anticipated to occur at Kitsap Bangor are expected to accrue to the same individual seals that routinely occur on haulouts at these locations, rather than occurring to new seals on each construction day. In summary, harbor seals taken as a result of the specified activities are expected to comprise only a limited portion of individuals comprising the overall relevant stock abundance. Therefore, we preliminarily find that small numbers of harbor seals will be taken relative to the population size of the Hood Canal stock of harbor seal in Year 1 and Year 2.

Description of Mitigation, Monitoring and Reporting Measures

With the exception of the revised shutdown provisions for harbor seals discussed below, the monitoring, and reporting measures described here are identical to those included in the initial TPP IHAs (85 FR 68291; October 28, 2020).

In addition to the measures described later in this section, the Navy will employ the following mitigation measures:

- For in-water construction, heavy machinery activities other than pile driving, if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions;
- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes are met, is observed approaching or within the Level B harassment zone, pile driving and removal activities must shut down immediately using delay and shut-down procedures. Activities must not resume until the animal has been confirmed to have left the area or the observation time period, as indicated in condition 4(e) of the IHAs, has elapsed.

The following mitigation measures apply to the Navy's in-water construction activities.

Pile Driving Energy Attenuator—The Navy will use a marine pile-driving energy attenuator (*i.e.,* air bubble curtain system) during impact pile driving (Year 1 only). The use of sound attenuation will reduce SPLs and the size of the zones of influence for Level A harassment and Level B harassment. Bubble curtains will meet the following requirements:

- The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column;
- The lowest bubble ring shall be in contact with the mudline for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent mudline contact. No parts of the ring or other objects shall prevent full mudline contact; and
- Air flow to the bubblers must be balanced around the circumference of the pile.

Soft-Start—During impact driving (Year 1 only) the Navy is required to initiate sound from the hammer at reduced energy followed by a 30 second waiting period, then two subsequent reduced energy strike sets. A soft-start procedure will be implemented at the start of each day's impact pile driving or any time following cessation of impact pile driving for a period of thirty minutes or longer.

Establishment of Shutdown Zones—The Navy will establish shutdown zones for all pile driving and removal activities. All shutdown zones remain the same as those included in the initial IHAs, except for the shutdown zone for harbor seals during impact pile driving of 36-inch steel piles (applicable to Year 1 IHA only) and vibratory driving of 24-inch steel piles (applicable to Year 2 IHA only), for which the modifications are described below.

As stated in the notice of the initial TPP IHAs (85 FR 68291; October 28, 2020), in addition to the shutdown zones listed in Table 3, the Navy plans to shut down pile driving if a cetacean is observed within the Level B harassment zone.

The Navy conducted a SSV study during construction at the Service Pier (85 FR 86538; December 30, 2020). Using results from that SSV study, NMFS calculated a revised Level A harassment isopleth for harbor seals during impact pile driving of 36-inch piles of 92 m rather than 158 m as calculated using proxy source levels in the initial TPP Year 1 IHA (85 FR 68291; October 28, 2020). Therefore, at the Navy's request and with concurrence from NMFS, the shutdown zone for harbor seals has been reduced from 160 m to 95 m during impact driving of 36-inch steel piles.

TABLE 3—SHUTDOWN ZONES (m) DURING PILE INSTALLATION AND REMOVAL

	Cetaceans	Phocids (Harbor Seal only)	Otariids
Vibratory Driving of 24-inch Piles	65	15	10
Vibratory Driving of 30-inch and 36-inch Piles	65	30	10
All Impact Pile Driving	355	95	15

Further, given the Navy's practicability concerns regarding frequent shutdowns, NMFS reduced the shutdown zone for vibratory driving of 24-inch piles to 15 m (applicable to Year 2 only). This shutdown zone was previously 30 m (for all vibratory pile driving). A 15 m shutdown zone still includes the entire 12 m Level A harassment zone for phocids. The shutdown zones and the Level A harassment and Level B harassment isopleths for all other pile driving and species groups remain unchanged from the notice of the issuance of the initial IHAs (85 FR 68291; October 28, 2020).

The reduced size of the shutdown zones for harbor seals discussed above, along with the increase in authorized take by Level A harassment should prevent the Navy from exceeding its authorized take limit for this species. However, even with a 95-m shutdown zone during impact driving and a 15 or 30-m shutdown zone during vibratory driving, the Navy may continue to experience frequent work stoppages due

to frequent visits by habituated harbor seals. This could result in schedule delays and cost overruns and could potentially require an extra year of in-water construction activities. Therefore, it is not practicable for the Navy to shut down or delay pile driving activities every time a harbor seal is observed in a shutdown zone.

Therefore, shutdowns would be initiated for harbor seals when observed approaching or entering the Level A harassment zones as described above, except when one or more of the two habituated harbor seals identified as daily visitors approaches or enters an established shutdown zone. In such cases, a single take by Level A harassment shall be recorded for each individual seal for the entire day, and operations will be allowed to continue without interruption. The behavior of these two daily visitors will be monitored and recorded as well as the duration of time spent within the harassment zones. This information will be recorded individually for each of the two seals. If any other seals, including the seven habituated seals identified as frequent visitors, approaches or enters into a Level A harassment zone, shutdown must occur.

The minimum shutdown zone during any pile driving activity will always be at least 10 m. Shutdown is mandatory whenever an animal is within 10 m of pile driving location regardless of the exception noted above. In such instances, in-water pile driving operations may only continue after 15 minutes have passed or the animal is seen heading away from the 10-m shutdown zone.

The revisions in the mitigation, including the shutdown exception for habituated harbor seals, are necessary to allow for the practicable completion of the Navy's specified activities. Although the predicted Level A harassment take numbers are higher than initially projected because of the behavior of the eight habituated animals, the likelihood of Level A harassment take of other individuals is lower than initially expected because the Level A harassment zone is smaller than initially predicted based on incorporation of the Service Pier SSV data. NMFS has considered the revised mitigation measures for harbor seals and determined that they will effect the least practicable adverse impact on harbor seals and their habitat. Nothing has changed since the initial IHAs for other species or stocks, and our analysis and conclusions remain the same.

PSOs—The placement of PSOs during all pile driving and removal activities are described in detail in the Monitoring and Reporting section of the notice of the initial IHAs (85 FR 68291; October 28, 2020) and remain unchanged. Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone will not be visible (*e.g.,* fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

Monitoring for Level A and Level B Harassment—The Navy will monitor the Level B harassment zones (areas where SPLs are equal to or exceed the 160 dB rms threshold for impact driving and the 120 dB rms threshold during vibratory pile driving) to the extent practicable and the Level A harassment zones. Placement of PSOs on the pier, shoreline, and a vessel (see Monitoring and Reporting section in the notice of the initial IHAs (85 FR 68291; October 28, 2020)) around the TPP site will allow PSOs to observe marine mammals within the Level B harassment zones.

Pre-activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs will observe the shutdown and Level A harassment and Level B harassment zones for a period of 30 minutes. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin, and Level B harassment take will be recorded. If the entire Level B harassment zone is not visible at the start of construction, pile driving activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence.

Reporting—PSOs must record specific information as described in the **Federal Register** notice of the issuance of the initial IHAs (85 FR 68291; October 28, 2020). Within 90 days after completion of pile driving and removal activities, the Navy must provide NMFS with a monitoring report which includes summaries of recorded takes and estimates of the number of marine mammals that may have been harassed. If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the unanticipated event that: (1) The specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHAs (if issued), such as an injury, serious injury or mortality; (2) a live marine mammal is found stranded, whether on shore or in or on any structure or vessel; or (3) personnel involved in the construction activities discover an injured or dead marine mammal, the Navy will follow the protocols described in the IHAs.

Based on our evaluation of the applicant's measures in consideration of the increased estimated take for harbor seals, as well as the modified shutdown provisions for harbor seals, NMFS has re-affirmed the determination that the required mitigation measures provide the means effecting the least practicable impact on harbor seals and their habitat.

Preliminary Determinations

With the exception of the revised harbor seal shutdown provisions, the Navy's in-water construction activities as well as monitoring and reporting requirements are unchanged from those in the initial IHAs. The effects of the activity on the affected species and stocks, taking into consideration the modified mitigation and related monitoring measures, remain unchanged, notwithstanding the increase to the authorized amount of harbor seal take by Level A harassment. The nature of the pile driving project precludes the likelihood of serious injury or mortality. While injury could occur in a small group of habituated animals (nine or fewer), it would likely be limited to PTS at lower frequencies where pile driving energy is concentrated, and unlikely to result in impacts to individual fitness, reproduction, or survival of these individuals whose best hearing is in a higher frequency range.

With approximately 80 in-water construction days during Year 1 and 10 in-water construction days in Year 2, NMFS is proposing to increase authorized harbor seal take by Level A harassment to 320 in Year 1, and 20 in Year 2. Even in consideration of the increased numbers of take by Level A harassment, the impacts of these exposures, as noted above, may result in moderate injury to a limited number of harbor seals but are not expected to accrue to the degree that the fitness of any individuals is markedly impacted. Further, given the small number of individuals potentially impacted in this manner, no impacts on annual rates of recruitment or survival are likely to result.

Separately, as described previously, the increase in Level A harassment take corresponds to a commensurate decrease in the predicted number of

Level B harassment, and the total number of takes remains unchanged. Therefore, in consideration of this, and the harbor seal stock abundance information discussed in the *Estimated Take s*ection above, we re-affirm that small numbers of harbor seals will be taken relative to the population size of the Washington Inland Waters, Hood Canal stock of harbor seal.

In conclusion, there is no new information suggesting that our negligible impact analysis or finding for harbor seals should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily reaffirmed the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) small numbers of marine mammals will be taken relative to the affected stock abundances; (4) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes, as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act (ESA)

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the modification of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the modified IHAs qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this document prior to concluding our NEPA process or making a final decision on the IHA requests.

Proposed Authorization

NMFS proposes to modify the IHAs to the Navy for in-water construction associated with the TPP project on Naval Base Kitsap Bangor, Washington. The only changes are increases in the authorized take of harbor seal take by Level A harassment from 20 to 320 in Year 1, and 0 to 20 in Year 2, changes to the shutdown requirements for harbor seals in both the Year 1 and Year 2 IHAs, and changes to the effective dates of the IHAs. Drafts of the proposed modified IHAs can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our proposed modification of the IHAs for the Navy's in-water construction activities associated with the TPP project. We also request comment on the potential for renewal of these modified IHAs as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorizations or subsequent Renewal IHAs.

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: August 31, 2021.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–19146 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB386]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Thursday, September 23, 2021, at 9:30 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/2575598707704315150.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director,

New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Groundfish Committee will review the recommendations from the Recreational Advisory Panel and Groundfish Advisory Panel. They will also discuss development of draft Framework Adjustment 63/ Specifications and Management Measures, specifically, (1) Set 2022 total allowable catches for U.S./Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and 2022–23 specifications for the GB yellowtail flounder stock, (2) Set 2022–24 specifications for GB cod and Gulf of Maine (GOM) cod, and possibly adjust 2022 specifications for GB haddock and GOM haddock, (3) Adjust 2022 specifications for white hake based on the rebuilding plan, (4) Adopt additional measures to promote stock rebuilding, and (5) Develop alternatives to the current default system. The Committee also plans to receive an overview of the Atlantic Cod Stock Structure Management Workshops. They will continue the preliminary discussion of possible 2022 Council priorities for groundfish and make recommendations as appropriate to the Council. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 31, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–19147 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Representative and Address Provisions

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

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0035 (Representative and Address Provisions). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before November 8, 2021.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0035 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Parikha Mehta, Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3248; or by email to *Parikha.Mehta@uspto.gov.* Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection includes the information necessary to submit a request to grant or revoke power of attorney for an application, patent, or reexamination proceeding, and for a registered practitioner to withdraw as attorney or agent of record. This also includes the information necessary to change the correspondence address for an application, patent, or reexamination proceeding, to request a Customer Number and manage the correspondence address and list of practitioners associated with a Customer Number, and to designate or change the correspondence address or fee address for one or more patents or applications by using a Customer Number.

Under 35 U.S.C. 2 and 37 CFR 1.31–1.32, power of attorney may be granted to one or more joint inventors or a person who is registered to practice before the USPTO to act in an application or a patent. In particular, for an application filed before September 16, 2012, or for a patent which issued from an application filed before September 16, 2012, power of attorney may be granted by the applicant for patent (as set forth in 37 CFR 1.41(b) (pre-AIA)) or the assignee of the entire interest of the applicant. For an application filed on or after September 16, 2012, or for a patent which issued from an application filed on or after September 16, 2012, power of attorney may be granted by the applicant for patent (as set forth in 37 CFR 1.42) or the patent owner. The USPTO provides two different versions of the forms for establishing power of attorney based upon whether the application filing date is before or after September 16, 2012, to thereby reduce applicants' burden in having to determine the appropriate power of attorney requirements for a given application.

37 CFR 1.36 provides for the revocation of a power of attorney at any stage in the proceedings of a case. 37 CFR 1.36 also provides a path by which a registered patent attorney or patent agent who has been given a power of attorney may withdraw as attorney or agent of record.

The USPTO's Customer Number practice permits applicants, patent owners, assignees, and practitioners of record, or the representatives of record for a number of applications or patents, to change the correspondence address of a patent application or patent with one change request instead of filing separate requests for each patent or application.

Any changes to the address or practitioner information associated with a Customer Number will be applied to all patents and applications associated with said Customer Number.

The Customer Number practice is optional, in that changes of correspondence address or power of attorney may be filed separately for each patent or application without using a Customer Number. However, a Customer Number associated with the correspondence address for a patent application is required in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO website. The use of a Customer Number is also required in order to grant power of attorney to more than ten practitioners or to establish a separate ''fee address'' for maintenance fee purposes that is different from the correspondence address for a patent or application.

II. Method of Collection

Items in this information collection may be submitted by mail, facsimile, hand delivery, or online electronic submissions.

III. Data

OMB Control Number: 0651–0035.

Form Number(s): (AIA= American Invents; SB = Specimen Book).

- PTO/AIA/80; PTO/SB/80 (Power of Attorney to Prosecute Applications Before the USPTO)
- PTO/AIA/81 (Power of Attorney to one or More of the Joint Inventors and Change of Correspondence Address)
- PTO/SB/81 (Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/AIA/81A; PTO/SB/81A (Patent—Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/AIA/81B (Reexamination or Supplemental Examination—Patent Owner Power of Attorney or Revocation of Power of Attorney With a New Power of Attorney and Change of Correspondence Address for Reexamination or Supplemental Examination and Patent)
- PTO/SB/81B (Reexamination—Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/SB/81C (Reexamination—Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/AIA/82A; PTO/AIA/82B; PTO/AIA/82C (Transmittal for Power of Attorney To One Or More Registered Practitioners/Power Of Attorney By Applicant)
- PTO/AIA/83; PTO/SB/83 (Request for Withdrawal as Attorney or Agent and Change of Correspondence Address)
- PTO/SB/124 (Request for Customer Number Data Change)
- PTO/SB/125 (Request for Customer Number)
- PTO–2248 (Request to Update a PCT Application with a Customer Number)

Type of Review: Revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Estimated Number of Respondents: 184,743 respondents per year.

Estimated Number of Responses: 226,573 responses per year.

Estimated Time per Response: The USPTO estimates that the response time for activities related to Representative Address Provisions will take the public between 0.20 hours (12 minutes) to 1.5 hours (90 minutes) to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 111,104 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $16,561,175.

TABLE 1—TOTAL HOURLY BURDEN FOR PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual respondent cost burden (c) × (d) = (e)
1	Power of Attorney to Prosecute Applications Before the USPTO. PTO/AIA/80, PTO/SB/80.	2,425	2,910	0.5 (30 minutes)	1,455	$145	$210,975
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence. PTO/AIA/82A, PTO/AIA/82B, PTO/AIA/82C.	165,870	204,670	0.5 (30 minutes)	102,335	145	14,838,575
3	Patent—Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address. PTO/AIA/81, PTO/SB/81, PTO/AIA/81A, PTO/SB/81A.	165	194	0.5 (30 minutes)	97	145	14,065
4	Reexamination—Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address. PTO/AIA/81B PTO/SB/81B.	29	29	0.5 (30 minutes)	15	145	2,175
5	Reexamination—Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address. PTO/SB/81C.	24	24	0.5 (30 minutes)	12	145	1,740
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address. PTO/AIA/83, PTO/SB/83.	2,134	3,395	0.5 (30 minutes)	1,698	400	679,200

TABLE 1—TOTAL HOURLY BURDEN FOR PRIVATE SECTOR RESPONDENTS—Continued

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual respondent cost burden (c) × (d) = (e)
7	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants.	9	9	1 (60 minutes)	9	400	3,600
8	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants.	9	9	1 (60 minutes)	9	400	3,600
9	Request for Customer Number Data Change. PTO/SB/124.	1,067	1,067	0.2 (12 minutes)	213	145	30,885
10	Request for Customer Number. PTO/SB/125.	6,111	6,111	0.2 (12 minutes)	1,222	145	177,190
11	Customer Number Upload Spreadsheet.	291	291	1.5 (90 minutes)	437	145	63,365
12	Request to Update a PCT Application with a Customer Number. PTO–2248.	1,067	1,067	0.25 (15 minutes)	267	145	38,715
Totals		179,201	219,776		107,769		16,064,085

[1] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey.* The USPTO uses the mean rate for attorneys in private firms which is $400 per hour. The hourly rate for paraprofessional/paralegals is estimated at $145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA); *https://www.nala.org/paralegals/research-and-survey-findings.*

TABLE 2—TOTAL HOURLY BURDEN FOR INDIVIDUALS OR HOUSEHOLDS RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [2] ($/hour) (d)	Estimated annual respondent cost burden (c) × (d) = (e)
1	Power of Attorney to Prosecute Applications Before the USPTO. PTO/AIA/80, PTO/SB/80.	75	90	0.5 (30 minutes)	45	$145	$6,525
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence. PTO/AIA/82A, PTO/AIA/82B, PTO/AIA/82C.	5,130	6,330	0.5 (30 minutes)	3,165	145	458,925
3	Patent—Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address. PTO/AIA/81, PTO/SB/81, PTO/AIA/81A, PTO/SB/81A.	5	6	0.5 (30 minutes)	3	145	435
4	Reexamination—Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address. PTO/AIA/81B, PTO/SB/81B.	1	1	0.5 (30 minutes)	1	145	145
5	Reexamination—Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address. PTO/SB/81C.	1	1	0.5 (30 minutes)	1	145	145
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address. PTO/AIA/83, PTO/SB/83.	66	105	0.5 (30 minutes)	53	400	21,200
9	Request for Customer Number Data Change. PTO/SB/124.	33	33	0.2 (12 minutes)	7	145	1,015
10	Request for Customer Number. PTO/SB/125.	189	189	0.2 (12 minutes)	38	145	5,510
11	Customer Number Upload Spreadsheet.	9	9	1.5 (90 minutes)	14	145	2,030
12	Request to Update a PCT Application with a Customer Number. PTO–2248.	33	33	0.25 (15 minutes)	8	145	1,160
Totals		5,542	6,797		3,335		497,090

[2] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey.* The USPTO uses the mean rate for attorneys in private firms which is $400 per hour. The hourly rate for paraprofessional/paralegals is estimated at $145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA); *https://www.nala.org/paralegals/research-and-survey-findings.*

The USPTO published a 60-day notice in the **Federal Register** in support of the renewal of this collection on January 15, 2021. In response to public feedback received regarding the January 2021 60-day notice, and after further consideration of the estimated times for response for items 1–6, the USPTO has increased the estimated times for response for items 1–5 from 3 minutes to 30 minutes and the estimated time for response for item 6 from 12 minutes to 30 minutes.

Estimated Total Annual Non-hour Respondent Cost Burden: $26,686. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees and postage is $26,686.

Filing Fees

The two petitions in this information collection have associated filing fees under 37 CFR 1.17(f), resulting in $8,000 in filing fees.

Item No.	Item	Estimated annual responses (a)	Filing fee ($) (b)	Total non-hour cost burden (a) × (b) = (c)
7	Petitions Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants.	10	$400.00	$4,000
8	Petitions to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants.	10	400.00	4,000
Total				8,000

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 1% of the 226,573 items will be submitted in the mail resulting in 2,265 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be $8.25. Therefore, the USPTO estimates the total mailing costs for this information collection at $18,686.

Respondent's Obligation: Required to obtain or retain benefits.

IV. Request for Comments

The USPTO is soliciting public comments to:

(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 Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment— including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–19202 Filed 9–3–21; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* September 16, 2021; September 22, 2021; September 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:

Additions

On 6/11/2021, 6/18/2021, and 6/25/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to 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 material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are 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 any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) and service(s) to the Government.

2. The action will 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) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Furniture Design, Configuration and Installation
Mandatory for: U.S. Department of Commerce, U.S. Census Bureau, Suitland, MD and U.S. Census Bowie Computer Center, Bowie, MD
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: U.S. CENSUS BUREAU, DEPT OF COMMERCE CENSUS

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Census Bureau, Furniture Design, Configuration & Installation contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Census Bureau will refer its business elsewhere, this addition must be effective on September 16, 2021, ensuring timely execution for a September 17, 2021, start date while still allowing eight (8) days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee determined that no severe adverse impact exists on any current contractor, as this is new requirement never having been contracted for in the past. The Committee also published a notice of proposed Procurement List addition in the ***Federal Register*** *on June 25, 2021 and did not receive any comments from any interested persons. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.*

Service Type: Contractor Operated Parts Store (COPARS)
Mandatory for: U.S. Marine Corps, Motor Transportation Department, Marine Corps Base Hawaii, Kaneohe Bay, HI
Designated Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE NAVY, HQBN MCBH

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Marine Corps, Contractor Operated Parts Store (COPRS) *contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Marine Corps will refer its business elsewhere, this addition must be effective on September 22, 2021, ensuring timely execution for a September 23, 2021, start date while still allowing 14 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee has been in contact with one of the affected parties, the incumbent of the expiring contract, since July 2020 and determined that no severe adverse impact exists. The Committee also published a notice of proposed Procurement List addition in the* ***Federal Register*** *on June 18, 2021 and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.*

Service Type: Facility Maintenance Support Service
Mandatory for: U.S. Marshals Service, U.S. Marshals Service Headquarters, Arlington, VA
Designated Source of Supply: Chimes District of Columbia, Baltimore, MD
Contracting Activity: U.S. MARSHALS SERVICE, U.S. DEPT OF JUSTICE, USMS

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Marshals Service, Facility Maintenance Support contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Marshals Service will refer its business elsewhere, this addition must be effective on September 29, 2021, ensuring timely execution for a September 30, 2021, start date while still allowing 22 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee determined that no severe adverse impact exists as there is no incumbent contractor. The Committee also published a notice of proposed Procurement List addition in the ***Federal Register*** *on June 11, 2021 and did not receive any comments from any interested persons. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.*

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2021–19381 Filed 9–3–21; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2021–HQ–0010]

Submission for OMB Review; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Army Safety Management Information System (ASMIS); OMB Control Number 0702–ASMS.

Type of Request: New.
Number of Respondents: 200.
Responses per Respondent: 2.
Annual Responses: 400.
Average Burden per Response: 31.95 minutes.
Annual Burden Hours: 213.
Needs and Uses: The Army Safety Management Information System (ASMIS) system of record is the Army's single, centralized repository for Safety and Occupational Health (SOH) data. Information collected via the three applications within ASMIS is necessary to support the requirements of the Army Safety and Occupational Health program as directed via the AR 385–10 and as prescribed in DA PAM 385–40. The information collected is used for the sole purpose of preventing

accidental loss and maximizing readiness within the U.S. Army. Users provide data via one of three applications: (1) Mishap and near miss reporting, (2) safety audits and inspections, and (3) hazard management. Each provides a modern web-based, intuitive means of entering data. Users are primarily Safety Officers with orders in writing to fulfil those duties. Most of these individuals are military and DoD civilian personnel, but contractor personnel may also submit reports in ASMIS as part of their duties.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: September 1, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2021–19318 Filed 9–3–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee (DoDWC); Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of closed Federal Advisory Committee meeting.

SUMMARY: DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the DoDWC will take place.

DATES: Tuesday, September 7, 2021 from 10:00 a.m. to 2:00 p.m. and will be closed to the public.

ADDRESSES: The closed meeting will be held by teleconference.

FOR FURTHER INFORMATION CONTACT: Mr. Karl Fendt, (571) 372–1618 (voice), *karl.h.fendt.civ@mail.mil* (email), 4800 Mark Center Drive, Suite 05G21, Alexandria, Virginia 22350 (mailing address).

SUPPLEMENTARY INFORMATION: Meeting Announcement: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer for the DoDWC, the DoDWC was unable to provide public notification required by 41 CFR 102–3.450(a) concerning its September 7, 2021 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of this meeting is to provide independent advice and recommendations on matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund areas of blue-collar employees within the DoD.

Agenda

Reviewing survey results and/or survey specifications for the following Nonappropriated Fund areas:

1. Wage Schedule (Full Scale) for the Orleans, Louisiana wage area (AC–006).
2. Wage Schedule (Full Scale) for the Hennepin, Minnesota wage area (AC–015).
3. Wage Schedule (Full Scale) for the Ward, North Dakota wage area (AC–016).
4. Wage Schedule (Full Scale) for the Grand Forks. North Dakota wage area (AC–017).
5. Wage Schedule (Full Scale) for the Davis-Weber-Salt Lake, Utah wage area (AC–018).
6. Wage Schedule (Full Scale) for the McLennan, Texas wage area (AC–022).
7. Wage Schedule (Full Scale) for the Bell, Texas wage area (AC–028).
8. Wage Schedule (Full Scale) for the Curry, New Mexico wage area (AC–030).
9. Wage Schedule (Full Scale) for the Tom Green, Texas wage area (AC–032).
10. Wage Schedule (Full Scale) for the Cobb, Georgia wage area (AC–034).
11. Wage Schedule (Full Scale) for the Richmond, Georgia wage area (AC–035).
12. Wage Schedule (Full Scale) for the Houston, Georgia wage area (AC–036).
13. Wage Schedule (Full Scale) for the Ada-Elmore, Idaho wage area (AC–038).
14. Wage Schedule (Full Scale) for the Cascade, Montana wage area (AC–040).
15. Wage Schedule (Full Scale) for the Spokane, Washington wage area (AC–043).
16. Wage Schedule (Full Scale) for the Pulaski, Arkansas wage area (AC–045).
17. Wage Schedule (Full Scale) for the Montgomery, Alabama wage area (AC–048).
18. Wage Schedule (Full Scale) for the Allegheny, Pennsylvania wage area (AC–066).
19. Wage Schedule (Full Scale) for the Columbus, Georgia wage area (AC–067).
20. Wage Schedule (Full Scale) for the Sedgwick, Kansas wage area (AC–078).
21. Wage Schedule (Full Scale) for the Jefferson, New York wage area (AC–101).
22. Wage Schedule (Full Scale) for the Orange, New York wage area (AC–103).
23. Wage Schedule (Full Scale) for the Macomb, Michigan wage area (AC–162).
24. Wage Schedule (Full Scale) for the Niagara, New York wage area (AC–163).
25. Wage Schedule (Full Scale) for the Montgomery-Greene, Ohio wage area (AC–166).
26. Wage Schedule (Wage Change) for the Arapahoe-Denver, Colorado wage area (AC–084).
27. Wage Schedule (Wage Change) for the El Paso, Colorado wage area (AC–085).
28. Wage Schedule (Wage Change) for the Pennington, South Dakota wage area (AC–086).
29. Wage Schedule (Wage Change) for the Laramie, Wyoming wage area (AC–087).
30. Wage Schedule (Wage Change) for the Cumberland, Pennsylvania wage area (AC–092).
31. Wage Schedule (Wage Change) for the York, Pennsylvania wage area (AC–093).
32. Wage Schedule (Wage Change) for the Calhoun, Alabama wage area (AC–104).
33. Wage Schedule (Wage Change) for the Madison, Alabama wage area (AC–105).
34. Wage Schedule (Wage Change) for the Honolulu, Hawaii wage area (AC–106).
35. Wage Schedule (Wage Change) for the Norfolk-Portsmouth-Virginia Beach, Virginia wage area (AC–111).
36. Wage Schedule (Wage Change) for the Hampton-Newport News, Virginia wage area (AC–112).
37. Wage Schedule (Wage Change) for the Nueces, Texas wage area (AC–115).
38. Wage Schedule (Wage Change) for the Bexar, Texas wage area (AC–117).
39. Wage Schedule (Wage Change) for the Anchorage, Alaska wage area (AC–118).
40. Wage Schedule (Wage Change) for the New London, Connecticut wage area (AC–136).
41. Wage Schedule (Wage Change) for the Snohomish, Washington wage area (AC–141).
42. Wage Schedule (Wage Change) for the Pierce, Washington wage area (AC–143).
43. Wage Schedule (Wage Change) for the Kitsap, Washington wage area (AC–142).
44. Wage Schedule (Wage Change) for the Lake, Illinois wage area (AC–145).
45. Wage Schedule (Wage Change) for the Harford, Maryland wage area (AC–148).

46. Wage Schedule (Wage Change) for the Douglas-Sarpy, Nevada wage area (AC–149).
47. Wage Schedule (Wage Change) for the Leavenworth, Kansas-Jackson-Johnson, Missouri wage area (AC–151).
48. Wage Schedule (Wage Change) for the Dallas, Texas wage area (AC–152).
49. Wage Schedule (Wage Change) for the Tarrant, Texas wage area (AC–156).
50. Wage Schedule (Wage Change) for the St. Clair, Illinois wage area (AC–157).
51. Wage Schedule (Wage Change) for the Newport, Rhode Island Texas wage area (AC–167).
52. Survey Specifications for the Monterey, California wage area (AC–003).
53. Survey Specifications for the Orleans, Louisiana wage area (AC–006).
54. Survey Specifications for the Kern, California wage area (AC–010).
55. Survey Specifications for the Hennepin, Minnesota wage area (AC–015).
56. Survey Specifications for the Ward, North Dakota wage area (AC–016).
57. Survey Specifications for the Grand Forks, North Dakota wage area (AC–017).
58. Survey Specifications for the Davis-Weber-Salt Lake, Utah wage area (AC–018).
59. Survey Specifications for the Bell, Texas wage area (AC–028).
60. Survey Specifications for the Curry, New Mexico wage area (AC–030).
61. Survey Specifications for the Cobb, Georgia wage area (AC–034).
62. Survey Specifications for the Ada-Elmore, Idaho wage area (AC–038).
63. Survey Specifications for the Hampden, Massachusetts wage area (AC–039).
64. Survey Specifications for the Cascade, Montana wage area (AC–040).
65. Survey Specifications for the Spokane, Washington wage area (AC–043).
66. Survey Specifications for the San Diego, California wage area (AC–054).
67. Survey Specifications for the Solano, California wage area (AC–059).
68. Survey Specifications for the Columbus, Georgia wage area (AC–067).
69. Survey Specifications for the Burlington, New Jersey wage area (AC–071).
70. Survey Specifications for the Kent, Delaware wage area (AC–076).
71. Survey Specifications for the Richmond-Chesterfield, Virginia wage area (AC–082).
72. Survey Specifications for the Morris, New Jersey wage area (AC–090).
73. Survey Specifications for the York, Maine wage area (AC–139).

Reviewing survey results and/or survey specifications for the following Appropriated Fund areas:

74. Wage Schedule (Full Scale) for the Northeastern Arizona wage area (AC–008).
75. Wage Schedule (Full Scale) for the New Haven-Hartford, Connecticut wage area (AC–024).
76. Wage Schedule (Full Scale) for the Atlanta, Georgia wage area (AC–037).
77. Wage Schedule (Full Scale) for the Augusta, Georgia wage area (AC–038).
78. Wage Schedule (Full Scale) for the Macon, Georgia wage area (AC–041).
79. Wage Schedule (Full Scale) for the Savannah, Georgia wage area (AC–042).
80. Wage Schedule (Full Scale) for the Boise, Idaho wage area (AC–045).
81. Wage Schedule (Full Scale) for the Duluth, Minnesota wage area (AC–074).
82. Wage Schedule (Full Scale) for the Albuquerque, New Mexico wage area (AC–089).
83. Wage Schedule (Full Scale) for the Albany-Schenectady-Troy, New York wage area (AC–091).
84. Wage Schedule (Full Scale) for the Northern New York wage area (AC–095).
85. Wage Schedule (Full Scale) for the Cleveland, Ohio wage area (AC–105).
86. Wage Schedule (Full Scale) for the Western Texas wage area (AC–127).
87. Wage Schedule (Full Scale) for the San Antonio, Texas wage area (AC–135).
88. Wage Schedule (Full Scale) for the Texarkana, Texas wage area (AC–136).
89. Wage Schedule (Full Scale) for the Waco, Texas wage area (AC–137).
90. Wage Schedule (Full Scale) for the Southeastern Washington-Eastern Oregon wage area (AC–144).
91. Wage Schedule (Full Scale) for the West Virginia wage area (AC–146).
92. Wage Schedule (Full Scale) for the Milwaukee, Wisconsin wage area (AC–148).
93. Wage Schedule (Full Scale) for the Puerto Rico wage area (AC–151).
94. Wage Schedule (Wage Change) for the Anniston-Gadsden, Alabama wage area (AC–001).
95. Wage Schedule (Wage Change) for the Huntsville, Alabama wage area (AC–004).
96. Wage Schedule (Wage Change) for the Alaska wage area (AC–007).
97. Wage Schedule (Wage Change) for the Tampa-St. Petersburg, Florida wage area (AC–035).
98. Wage Schedule (Wage Change) for the Hawaii wage area (AC–044).
99. Wage Schedule (Wage Change) for the Lake Charles-Alexandria, Louisiana wage area (AC–060).
100. Wage Schedule (Wage Change) for the Shreveport, Louisiana wage area (AC–062).
101. Wage Schedule (Wage Change) for the Augusta, Maine wage area (AC–063).
102. Wage Schedule (Wage Change) for the Central and Northern Maine wage area (AC–064).
103. Wage Schedule (Wage Change) for the Central and Western Massachusetts wage area (AC–069).
104. Wage Schedule (Wage Change) for the Montana wage area (AC–083).
105. Wage Schedule (Wage Change) for the Syracuse-Utica-Rome, New York wage area (AC–097).
106. Wage Schedule (Wage Change) for the Asheville, North Carolina wage area (AC–098).
107. Wage Schedule (Wage Change) for the Central North Carolina wage area (AC–099).
108. Wage Schedule (Wage Change) for the North Dakota wage area (AC–103).
109. Wage Schedule (Wage Change) for the Southwestern Oregon wage area (AC–113).
110. Wage Schedule (Wage Change) for the Columbia, South Carolina wage area (AC–120).
111. Wage Schedule (Wage Change) for the Austin, Texas wage area (AC–129).
112. Wage Schedule (Wage Change) for the Corpus Christi, Texas wage area (AC–130).
113. Wage Schedule (Wage Change) for the El Paso, Texas wage area (AC–132).
114. Wage Schedule (Wage Change) for the Norfolk-Portsmouth-Newport News-Hampton, Virginia wage area (AC–140).
115. Wage Schedule (Wage Change) for the Southwestern Wisconsin wage area (AC–149).
116. Survey Specifications for the Columbus, Georgia wage area (AC–003).
117. Survey Specifications for the San Diego, California wage area (AC–017).
118. Survey Specifications for the San Francisco, California wage area (AC–018).
119. Survey Specifications for the Wilmington, Delaware wage area (AC–026).
120. Survey Specifications for the Washington, District of Columbia wage area (AC–027).
121. Survey Specifications for the Cocoa Beach-Melbourne, Florida wage area (AC–028).
122. Survey Specifications for the Pensacola, Florida wage area (AC–034).
123. Survey Specifications for the Albany, Georgia wage area (AC–036).
124. Survey Specifications for the Central Illinois wage area (AC–046).
125. Survey Specifications for the Davenport-Rock Island-Moline, Iowa wage area (AC–053).
126. Survey Specifications for the Des Moines, Iowa wage area (AC–054).
127. Survey Specifications for the Topeka, Kansas wage area (AC–056).
128. Survey Specifications for the Wichita, Kansas wage area (AC–057).
129. Survey Specifications for the Baltimore, Maryland wage area (AC–066).
130. Survey Specifications for the Northwestern Michigan wage area (AC–071).
131. Survey Specifications for the Southwestern Michigan wage area (AC–073).
132. Survey Specifications for the Biloxi, Mississippi wage area (AC–076).
133. Survey Specifications for the Buffalo, New York wage area (AC–092).
134. Survey Specifications for the Oklahoma City, Oklahoma wage area (AC–109).
135. Survey Specifications for the Tulsa, Oklahoma wage area (AC–111).
136. Survey Specifications for the Philadelphia, Pennsylvania wage area (AC–115).
137. Survey Specifications for the Pittsburgh, Pennsylvania wage area (AC–116).
138. Survey Specifications for the Scranton-Wilkes Barre, Pennsylvania wage area (AC–117).
139. Survey Specifications for the Eastern South Dakota wage area (AC–121).
140. Survey Specifications for the Utah wage area (AC–139).
141. Survey Specifications for the Roanoke, Virginia wage area (AC–142).
142. Survey Specifications for the Puerto Rico wage area (AC–151).
143. Special Pay—Pacific Northwest Power Rate Schedule
144. Special Pay—Washington, District of Columbia TV Systems/Electrical Equipment
145. Any items needing further clarification from this agenda may be discussed during future scheduled meetings.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b(c)(4), the DoD has

determined that the meeting shall be closed to the public. The Under Secretary of Defense for Personnel and Readiness, in consultation with the Department of Defense Office of General Counsel, has determined in writing that this meeting may disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Written Statements: Pursuant to section 10(a)(3) of the Federal Advisory Committee Act and 41 CFR 102–3.140, interested persons may submit written statements to the Designated Federal Officer for the DoDWC at any time. Written statements should be submitted to the Designated Federal Officer at the email or mailing address listed above in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the DoDWC until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice.

Dated: August 30, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–19168 Filed 9–3–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of Record of Decision for the Final Supplemental Environmental Impact Statement for the Allatoona Lake Water Supply Storage Reallocation Study and Updates to Weiss and Logan Martin Reservoir Project Water Control Manuals in the Alabama-Coosa-Tallapoosa River Basin, Alabama and Georgia

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability of the record of decision.

SUMMARY: The U.S. Army Corps of Engineers (USACE) announces the availability of the Record of Decision (ROD) for the Final Integrated Supplemental Environmental Impact Statement for the Allatoona Lake Water Supply Storage Reallocation Study and Updates to Weiss and Logan Martin Reservoir Project Water Control Manuals in the Alabama-Coosa-Tallapoosa River Basin, Alabama and Georgia (FR/SEIS), published in the **Federal Register** on Friday, November 20, 2020. The Assistant Secretary of the Army for Civil Works signed the ROD on August 27, 2021. Copies of the ROD along with the FR/SEIS and other supporting documents are available for viewing at *https://www.sam.usace.army.mil/Missions/Planning-Environmental/Allatoona-Lake-Water-Supply-Storage-Reallocation-Study-and-Updates-to-Weiss-and-Logan-Martin-Reservoirs-Project-Water-Control-Manuals/Document-Library/.*

ADDRESSES: U.S. Army Corps of Engineers, Mobile District, Post Office Box 2288, Mobile, AL 36628–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Malsom, Inland Environment Team, Planning and Environmental Division, U.S. Army Corps of Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628–0001; Telephone (251) 690–2023; delivered by electronic facsimile at (251) 694–3815; or by electronic mail: *ACT-ACR@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The FR/SEIS includes a water supply storage reallocation study evaluating a March 30, 2018, request by the State of Georgia and the Cobb County-Marietta Water Authority for increased water supply use at Allatoona Lake; a State of Georgia recommended storage accounting method; updated operating criteria and guidelines for managing the water storage and release actions of Federal water managers; Alabama Power Company's (APC) proposed raising of winter pool levels for recreation and lowering the upper limit of the induced surcharge operational pools at Weiss Dam and Lake (Reservoir); and Logan Martin Dam and Lake (Reservoir). USACE will also update the Water Control Manuals (WCMs) for Allatoona Lake and APC's Weiss and Logan Martin Reservoirs, and the Alabama-Coosa-Tallapoosa (ACT) River Basin Master Manual.

A final array of alternatives was considered in detail during the plan formulation process. USACE identified Alternative 11 as the Recommended Plan in the FR/SEIS; however, Alternative 12 was chosen as the Selected Plan and will be implemented. Alternative 11 would have reallocated 33,872 acre-feet (ac-ft) of storage in Allatoona Lake (11,670 ac-ft from flood storage and 22,202 ac-ft from conservation storage) and would have utilized the USACE storage accounting method. The USACE storage accounting method charges all water supply withdrawals to the respective water supply account and credits all inflows, including return flows directly to Allatoona Lake or additive flows released from Hickory Log Creek Reservoir, to all accounts according to their proportion of project yield. Alternative 11 would have also modified flood control storage to the APC projects Weiss Lake and Logan Martin Lake. The Selected Plan (Alternative 12) would reallocate 14,159 ac-ft from conservation storage at Allatoona Lake for water supply storage and utilizes the Georgia preferred storage accounting method in which 100 percent of return flows from Cobb County's water treatment facilities at Allatoona Lake and releases from the upstream Hickory Log Creek Reservoir would be credited to water supply storage accounts. The Selected Plan also includes modified flood control storage to the APC projects' Weiss and Logan Martin Reservoirs (unchanged from Alternative 11).

A summary of environmental consequences for the final array of alternatives is provided in the FR/SEIS. Three of the alternatives (in addition to the no action alternative) were selected for detailed analysis of impacts in accordance with the National Environmental Policy Act; they are Alternative 11 (the Recommended Plan), Alternative 10, and Alternative 3. The other alternatives are variations of these three alternatives, and they would involve similar impacts as one of these three alternatives. The Selected Plan (Alternative 12) is similar to Alternative 10, except that Alternative 12 includes the use of the Georgia preferred storage accounting method. The anticipated environmental consequences of the Selected Plan (Alternative 12) are not significantly different from those anticipated for Alternatives 10 or 11.

The ROD documents why the USACE has chosen to implement Alternative 12 instead of Alternative 11, as described in the FR/SEIS.

Dated: September 1, 2021.

Jason E. Kelly,

Brigadier General, U.S. Army Commanding.

[FR Doc. 2021–19266 Filed 9–3–21; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0130]

Agency Information Collection Activities; Comment Request; School Pulse Panel Data Collection

AGENCY: Institute for Education Sciences (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 requesting the Office of Management and Budget (OMB) to conduct an emergency review of an information collection.

DATES: The Department has requested emergency processing from OMB for this information collection request by September 3, 2021. The information collection will simultaneously follow the regular clearance process where the Department will provide the public with the opportunity to comment. Interested persons are invited to submit comments on or before October 7, 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–0130. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director 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: School Pulse Panel Preliminary Activities.

OMB Control Number: 1850–0963.

Type of Review: A revision of a currently approved information collection.

Respondents/Affected Public: State, Local or Tribal Govt.

Total Estimated Number of Annual Responses: 17,280.

Total Estimated Number of Annual Burden Hours: 26,352.

Abstract: The School Pulse Panel is a new study conducted by the National Center for Education Statistics (NCES), part of the Institute of Education Sciences (IES), within the United States Department of Education, to collect extensive data on issues concerning the impact of the COVID–19 pandemic on students and staff in U.S. public primary, middle, high, and combined-grade schools. The survey will ask school district staff and sampled school principals about topics such as instructional mode offered; enrollment counts of subgroups of students using various instructional modes; learning loss mitigation strategies; safe and healthy school mitigation strategies; special education services; use of technology; use of federal relief funds; and information on staffing. Because this data collection is extremely high priority and time sensitive, it will undergo Emergency Clearance. The administration of the School Pulse Panel study is in direct response to President Biden's Executive Order 14000: Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers. It will be one of the nation's few sources of reliable data on a wealth of information focused on school reopening efforts, virus spread mitigation strategies, services offered for students and staff, and technology use, as reported by school district staff and principals in U.S. public schools. About 1200 public elementary, middle, high, and combined-grade schools will be selected to participate in a panel where school and district staff will be asked to provide requested data monthly during the 2021–22 school years. This approach provides the ability to collect detailed information on various topics while also assessing changes in reopening efforts over time. Given the high demand for data collection during this time, the content of the survey may change on a quarterly basis.

Additional Information: An emergency clearance approval for the use of the system is described below due to the following conditions:

NCES requests emergency clearance to allow us to comply with the January 21, 2021 Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers which states that the Department of Education must ''coordinate with the Director of the Institute of Education Sciences to facilitate, consistent with applicable law, the collection of data necessary to fully understand the impact of the COVID–19 pandemic on students and educators, including data on the status of in-person learning. These data shall be disaggregated by student demographics, including race, ethnicity, disability, English-language-learner status, and free or reduced lunch status or other appropriate indicators of family income.'' Normal clearance procedures would not allow IES to comply with the intent of this E.O. Because this data collection is extremely high priority and time sensitive, the Department is requesting emergency processing.

Dated: August 31, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2021–19158 Filed 9–3–21; 8:45 am]

BILLING CODE 4000–01–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: EC21–121–000.
Applicants: Caledonia Generating, LLC, CPV Fairview, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of CPV Fairview, LLC, *et al.*
Filed Date: 8/30/21.
Accession Number: 20210830–5190.
Comment Date: 5 p.m. ET 9/20/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2960–012; ER19–2231–004; ER19–2232–004; ER10–1595–015; ER18–2418–004; ER10–1598–015; ER10–1616–015; ER10–1618–015; ER18–1821–007.
Applicants: Walleye Power, LLC, Rolling Hills Generating, L.L.C., New Covert Generating Company, LLC, Lincoln Generating Facility, LLC, Great River Hydro, LLC, Crete Energy Venture, LLC, Chief Keystone Power II, LLC, Chief Conemaugh Power II, LLC, Astoria Generating Company, L.P.
Description: Amendment to the March 1, 2021 Deficiency Letter Response of Astoria Generating Company, L.P., *et al.* under ER10–2960, *et al.*
Filed Date: 8/27/21.
Accession Number: 20210827–5203.
Comment Date: 5 p.m. ET 9/17/21.

Docket Numbers: ER19–2722–006.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance Filing re Fast-Start to be effective 9/1/2021.
Filed Date: 8/30/21.
Accession Number: 20210830–5055.
Comment Date: 5 p.m. ET 9/7/21.

Docket Numbers: ER20–2044–003.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing: Supp. Deficiency Response in ER20–2044-____–Westar Energy, Order 864 Compliance to be effective N/A.
Filed Date: 8/27/21.
Accession Number: 20210827–5162.
Comment Date: 5 p.m. ET 9/17/21.

Docket Numbers: ER21–2790–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of WMPA SA No. 6067; Queue No. AG1–079 to be effective 10/2/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5043.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2791–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3841 WAPA and Glacier Electric Coop Interconnection Agr to be effective 8/30/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5060.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2792–000.
Applicants: Vermont Transco LLC.
Description: § 205(d) Rate Filing: Vermont Transco LLC, Corrected Tariff Filing to be effective 7/1/2011.
Filed Date: 8/31/21.
Accession Number: 20210831–5081.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2793–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–08–31_Attachment X Multi-Party Facilities Service Agreement (MPFSA) to be effective 10/31/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5101.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2794–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3818 and 3819 The Energy Authority, Inc. PTP Agreements to be effective 8/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5107.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2795–000; TS21–3–000.
Applicants: Black Rock Wind Force, LLC, Black Rock Wind Force, LLC.
Description: Request of Black Rock Wind Force, LLC for Temporary Waivers under Section 35.28 of the Commission's Regulations.
Filed Date: 8/30/21.
Accession Number: 20210830–5191.
Comment Date: 5 p.m. ET 9/20/21.

Docket Numbers: ER21–2796–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Pine Burr Solar 1 LGIA Filing to be effective 8/17/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5134.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2797–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–08–31_Operating Reserve Demand Curve (ORDC) Modifications to be effective 12/7/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5143.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2798–000.
Applicants: Florida Power & Light Company.
Description: Baseline eTariff Filing: Florida Power & Light Company's Filing to Re-file Market Based Rate Tariff to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5148.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2799–000.
Applicants: Florida Power & Light Company.
Description: Baseline eTariff Filing: Florida Power & Light Company's Re-Baseline Filing of the NITSA Database to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5157.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2800–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: OATT Attachment C Amendment to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5171.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2801–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–08–31_Applicability of Value of Lost Load Pricing During Emergency Events to be effective 10/31/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5174.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2802–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: September 2021 Membership Filing to be effective 8/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5175.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2803–000.
Applicants: Florida Power & Light Company.
Description: Baseline eTariff Filing: Florida Power & Light Company's Re-Baseline Filing of the OATT to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5187.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2804–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: BREC Construction Specifications Agreement FERC RS No. 521 to be effective 8/23/2021.

Filed Date: 8/31/21.
Accession Number: 20210831–5188.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2805–000.
Applicants: Kentucky Utilities Company.
Description: § 205(d) Rate Filing: KU Concurrence to BREC Construction Specifications Agreement FERC RS No. 521 to be effective 8/23/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5190.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2806–000.
Applicants: Florida Power & Light Company.
Description: Baseline eTariff Filing: Florida Power & Light Cmpany's Filing to Re-Baseline T–1 Tariff to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5192.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2808–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2969R3 Associated Electric Cooperative, Inc. NITSA NOA to be effective 8/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5202.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2809–000.
Applicants: Florida Power & Light Company.
Description: Baseline eTariff Filing: Florida Power & Light Company's Re-Baseline Filing of TSA Database to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5203.
Comment Date: 5 p.m. ET 9/21/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 31, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19207 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–33–000]

Commission Information Collection Activities (Ferc–566); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–566 (Annual Report of a Utility's 20 Largest Purchasers), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

DATES: Comments on the collection of information are due October 7, 2021.

ADDRESSES: Send written comments on FERC–566 to OMB through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0114) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC21–33–000) to the Commission as noted below. Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (Including Courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions:

OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain*; Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission; click ''submit'' and select ''comment'' to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–566 (Annual Report of a Utility's 20 Largest Purchasers).
OMB Control No.: 1902–0114.
Type of Request: Three-year extension of the FERC–566 information collection requirements with no revisions to the current requirements.

Abstract: Section 305(c) of the Federal Power Act (FPA),[1] mandates federal oversight and approval of certain electric corporate activities to ensure that neither public nor private interests are adversely affected. The FPA prescribes information filing requirements to achieve this goal. These filing requirements are found at 18 CFR 131.31, and serve as the basis for FERC–566.

FERC–566 implements FPA requirements that each public utility annually publishes a list of the 20 purchasers which purchased the largest annual amounts of electric energy sold by such public utility during any of the three previous calendar years. The public disclosure of this information provides the information necessary to determine whether public or private interests will be adversely affected by business relationships between public utilities and their 20 largest purchasers of electricity.

This information collection request includes proposed changes in Form 566 in accordance with the public display requirements at 5 CFR 1320.5(b).

Type of Respondents: Public utilities.
Estimate of Annual Burden: The Commission estimates 321 responses

[1] 16 U.S.C. 825d.

annually, and 4 hours and $332 per response. The total estimated burdens per year are 1,284 hours and $106,572. These burdens are itemized in the following table:

Number of respondents A.	Annual number of responses per respondent B.	Total number of responses (column A × column B) C.	Average burden & cost per response [2] D.	Total annual burden hours & total annual cost (column C × column D) E.	Cost per respondent ($) (column E ÷ column A) F.
321	1	321	4 hrs.; $348	1,284 hrs.; $111,708	$348

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 1, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19359 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

[2] Commission staff estimates that the average industry hourly cost for this information collection is approximated by the current FERC 2021 average hourly costs for wages and benefits, *i.e.,* $87.00/hour.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–462–001]

Roaring Fork Interstate Gas Transmission, LLC; Notice of Amendment to Application and Establishing Intervention Deadline

Take notice that on August 26, 2021, Roaring Fork Interstate Gas Transmission, LLC (RFIGT), 1125 17th Street, Suite 650, Denver, Colorado 80202, filed, pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations an amendment to its application in Docket No. CP21–462–000 to acquire certain facilities from Kaiser-Frontier Midstream, LLC in Laramie County, Wyoming and Weld County, Colorado. RFIGT filed revised versions of Exhibits N, P, and S, which includes an acquisition adjustment in its rate base and cost of service. Thus, RFIGT amends its proposal to reflect a maximum monthly reservation recourse rate for Rate Schedule FT of $12.59 per dekatherm (Dth) per month and a commodity rate for interruptible services under Rate Schedule IT to $0.41 per Dth, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

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://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 TYY, (202) 502–8659.

Any questions regarding RFIGT's application may be directed to Mark R. Haskell, Counsel for Roaring Fork Interstate Gas Transmission, LLC, Blank Rome LLP, 1825 Eye Street NW, Washington, DC 20006, by telephone at (202) 420–2654 or by email at *mhaskell@blankrome.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

[1] 18 CFR (Code of Federal Regulations) 157.9.

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on September 22, 2021. How to file comments and motions to intervene is explained below.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before September 22, 2021. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be

notified of meetings associated with the Commission's environmental review process.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[2] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [3] and the regulations under the NGA [4] by the intervention deadline for the project, which is September 22, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

How To File Comments and Interventions

There are two ways to submit your comments and motions to intervene to the Commission. In all instances, please reference the Project docket number CP21–462–001 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your comments or motions to intervene electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing'' or ''Intervention''; or

(2) You can file a paper copy of your comments by mailing them to the following address below. Your written comments must reference the Project docket number (CP21–462–001).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

Motions to intervene must be served on the applicants either by mail or email (with a link to the document) at: Blank Rome LLP, 1825 Eye Street NW, Washington, DC 20006 or at *mhaskell@blankrome.com.* Any subsequent submissions by an intervenor must be served on the applicants and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [5] motions to intervene are automatically granted by operation of Rule 214(c)(1).[6] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[7] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on September 22, 2021.

Dated: September 1, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19372 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

[2] 18 CFR 385.102(d).

[3] 18 CFR 385.214.

[4] 18 CFR 157.10.

[5] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[6] 18 CFR 385.214(c)(1).

[7] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF21–6–000]

Western Area Power Administration; Notice of Filing

Take notice that on August 24, 2021, Western Area Power Administration submitted tariff filing: Extension of Western Area Power Administration Formula Rates—Rate Order No. WAPA–200, to be effective 10/1/2021.

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, 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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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://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 TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 23, 2021.

Dated: August 31, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19199 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF21–8–000]

Western Area Power Administration; Notice of Filing

Take notice that on August 27, 2021, Western Area Power Administration submitted tariff filing: Extension of Western Area Power Administration Formula Rates—Rate Order No. WAPA–196, to be effective 10/1/2021.

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, 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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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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://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 TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 27, 2021.

Dated: August 31, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19196 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF21–9–000]

Western Area Power Administration; Notice of Filing

Take notice that on August 27, 2021, Western Area Power Administration submitted tariff filing: Formula Rates for Western Area Power Administration—Rate Order No. WAPA–197, to be effective 10/1/2021.

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, 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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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://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 TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 27, 2021.

Dated: August 31, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19197 Filed 9–3–21; 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:

Filings Instituting Proceedings

Docket Numbers: RP20–614–006.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Compliance filing: RP20–614 & RP20–618 Stipulation and Agreement Tariff Record Filing to be effective 9/1/2020.
Filed Date: 8/30/21.
Accession Number: 20210830–5148.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–525–002.
Applicants: Midwestern Gas Transmission.
Description: Compliance filing: Motion to Place Suspended Revised Tariff Record into Effect to be effective 9/1/2021.
Filed Date: 08/30/21.
Accession Number: 20210830–5169.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1060–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Annual Fuel and LU True Up Filing to be effective 10/1/2021.
Filed Date: 8/30/21.
Accession Number: 20210830–5088.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1061–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Spire Bessemer #2 Negotiated Rate to be effective 9/1/2021.
Filed Date: 8/30/21.
Accession Number: 20210830–5116.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1062–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Non-Conforming—Atlantic Sunrise—Southern Company Svcs to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5002.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1063–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: List of Non-Conforming Service Agreements and Negot Rate (ASR_Chief Rls to SCS) to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5003.
Comment Date: 5 pm ET 9/13/21.

Docket Numbers: RP21–1064–000.
Applicants: Cove Point LNG, LP.
Description: Compliance filing: Cove Point—2021 Revenue Crediting Report to be effective N/A.
Filed Date: 8/31/21.
Accession Number: 20210831–5030.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1065–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: § 4(d) Rate Filing: EGTS—August 31, 2021 Nonconforming Service Agreements to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5033.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1066–000.
Applicants: Stagecoach Pipeline & Storage Company LLC.
Description: § 4(d) Rate Filing: Stagecoach Pipeline & Storage Company LLC—Filing of Tariff Modifications to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5035.
Comment Date: 5 p.m. ET 9/13/21.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

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: August 31, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19205 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. P–1494–438	8–9–2021	FERC Staff.[1]
2. P–14803–001	8–24–2021	FERC Staff.[2]
3. P–14803–001	8–24–2021	FERC Staff.[3]
4. P–1494–438	8–24–2021	FERC Staff.[4]
Exempt:		
1. P–2082–063 P–14803–001	8–20–2021	U.S. Congress.[5]
2. EL16–49–000	8–20–2021	State of Ohio Senator Mark Romanchuk.
3. ER21–1111–000	8–25–2021	North Carolina House of Representatives.[6]
4. P–3409–032	8–26–2021	FERC Staff.[7]
5. CP17–40–000	8–31–2021	U.S. Congress.[8]
6. P–14803–001	8–31–2021	Yurok Tribe.

[1] Emailed comments dated 8/8/2021 from Wendy Wish.
[2] Emailed comments dated 8/21/2021 from Lucretia Smith.
[3] Emailed comments dated 8/21/2021 from Francine Lowenberg.
[4] Emailed comments dated 8/24/2021 from Joan Follin.
[5] Congressman Doug LaMalfa.
[6] Representatives Vernetta Alston, John Autry, Cynthia Ball, Mary Belk, Deborah Butler, Linda Cooper-Suggs, Terry Garrison, Wesley Harris, Pricey Harrison, Zack Hawkins, Rachel Hunt, Ricky Hurtado, Graig Meyer, Marcia Morey, Amos Quick, Brian Turner, and Julie von Haefen.
[7] Memo dated 8/26/2021 regarding email communication with Boyne USA, Inc.
[8] House Representatives Blaine Luetkemeyer and Ann Wagner.

Dated: September 1, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19371 Filed 9–3–21; 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: EC21–122–000.
Applicants: RockGen Energy LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of RockGen Energy LLC.
Filed Date: 8/31/21.
Accession Number: 20210831–5254.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: EC21–123–000.
Applicants: Tidal Power Holdings III, LLC, Curtis/Palmer Hydroelectric Company L.P., Innergex HQI USA LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Tidal Power Holdings III, LLC, et al.
Filed Date: 8/31/21.
Accession Number: 20210831–5257.
Comment Date: 5 p.m. ET 9/21/21.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL21–98–000.
Applicants: Pacific Gas and Electric Company.
Description: Petition for Declaratory Order of Pacific Gas and Electric Company.
Filed Date: 8/23/21.
Accession Number: 20210823–5242.
Comment Date: 5 p.m. ET 9/22/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1355–010.
Applicants: Southern California Edison Company.
Description: Notice of Change in Status of Southern California Edison Company.
Filed Date: 8/31/21.
Accession Number: 20210831–5256.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER13–1589–005.
Applicants: RockGen Energy, LLC.
Description: Compliance filing: RockGen Energy LLC submits tariff filing per 35: Informational Filing Regarding Upstream Change in Control to be effective N/A.
Filed Date: 9/1/21.
Accession Number: 20210901–5136.
Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER13–198–008.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: PJM submits Compliance Filing re: Order No. 1000.
Filed Date: 9/1/21.
Accession Number: 20210901–5158.
Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2349–001.
Applicants: AR Searcy Project Company, LLC.
Description: Tariff Amendment: AR Searcy Response to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5213.
Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER21–2350–001.
Applicants: MS Sunflower Project Company, LLC.
Description: Tariff Amendment: MS Sunflower Response to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5215.
Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER21–2807–000.
Applicants: Invenergy Wind Development LLC, Invenergy Solar Development LLC.
Description: Request for Prospective Tariff Waiver, et al. of Invenergy Wind Development LLC, et al.
Filed Date: 8/31/21.
Accession Number: 20210831–5198.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2810–000.
Applicants: Florida Power & Light Company.
Description: Baseline eTariff Filing: Florida Power & Light Company's Re-Baseline of the RSA Database to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5214.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: ER21–2811–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2021–09–01_SA 3028 Ameren IL-Prairie Power Project #33 Sarah Bush Hosp to be effective 11/1/2021.
Filed Date: 9/1/21.
Accession Number: 20210901–5043.
Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2812–000.
Applicants: American Electric Power Service Corporation, Ohio Power Company, AEP Ohio Transmission Company, Inc., PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii): AEP submits one FA re: ILDSA SA No. 1427 to be effective 11/1/2021.

Filed Date: 9/1/21.

Accession Number: 20210901–5076.

Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2813–000.

Applicants: American Electric Power Service Corporation, Indiana Michigan Power Company, AEP Indiana Michigan Transmission Company, Inc., PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii): AEP submits one FA re: ILDSA SA No. 5120 to be effective 11/1/2021.

Filed Date: 9/1/21.

Accession Number: 20210901–5078.

Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2814–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA and ICSA, Nos. 5866 and 5867; Queue No. AD1–082 to be effective 12/7/2020.

Filed Date: 9/1/21.

Accession Number: 20210901–5133.

Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2815–000.

Applicants: ISO New England Inc.

Description: § 205(d) Rate Filing: ISO–NE; Ministerial Filing to Conform Exhibit IA, Financial Asssurance Policy to be effective 9/10/2020.

Filed Date: 9/1/21.

Accession Number: 20210901–5142.

Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2816–000.

Applicants: Gratiot County Wind LLC.

Description: Initial rate filing: Filing of Reactive Power Rate Schedule to be effective 11/1/2021.

Filed Date: 9/1/21.

Accession Number: 20210901–5151.

Comment Date: 5 p.m. ET 9/22/21.

Docket Numbers: ER21–2817–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: Amendment PASNY Tariff 9–1–2021 CDG-Remote Crediting to be effective 9/1/2021.

Filed Date: 9/1/21.

Accession Number: 20210901–5156.

Comment Date: 5 p.m. ET 9/22/21.

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: September 1, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19373 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF21–7–000]

Western Area Power Administration; Notice of Filing

Take notice that on August 27, 2021, Western Area Power Administration submitted tariff filing: Formula Rates for Western Area Power Administration—Rate Order No. WAPA–195, to be effective 10/1/2021.

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, 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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant

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Comment Date: 5:00 p.m. Eastern Time on September 27, 2021.

Dated: August 31, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19198 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF21–5–000]

Western Area Power Administration; Notice of Filing

Take notice that on August 20, 2021, Western Area Power Administration submitted tariff filing: Fiscal Year 2022 Base Charge and Rates for Boulder Canyon Project, to be effective 10/1/2021.

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, 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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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://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 TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 20, 2021.

Dated: August 31, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19200 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX21–5–000]

EnerSmart El Cajon BESS LLC; Notice of Filing

Take notice that on September 1, 2021, pursuant to section 211 of the Federal Power Act,[1] EnerSmart El Cajon BESS LLC (EnerSmart El Cajon) filed an application requesting that the Federal Energy Regulatory Commission (Commission) issue an order requiring San Diego Gas & Electric Company (SDG&E) to provide interconnection and transmission service for delivery of the output from EnerSmart El Cajon's 3 MW battery energy storage system across SDG&E Participating Transmission Owner's Interconnection Facilities to a Point of Interconnection with the California Independent System Operator Corporation Controlled Grid, including Network Upgrades to be constructed to accommodate service to EnerSmart El Cajon.

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. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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 FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

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.

Comment Date: 5:00 p.m. Eastern Time on September 22, 2021.

Dated: September 1, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–19357 Filed 9–3–21; 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:

Filings Instituting Proceedings

Docket Numbers: CP21–489–000.
Applicants: Carlsbad Gateway, LLC.
Description: Abbreviated Application of Carlsbad Gateway, LLC For Part 284 Blanket Certificate Authorization and Temporary Waivers.
Filed Date: 8/31/21.
Accession Number: 20210831–5056.
Comment Date: 5 p.m. ET 9/21/21.

Docket Numbers: PR21–62–000.
Applicants: Black Hills/Kansas Gas Utility Company, LLC.
Description: Submits tariff filing per 284.123(b),(e)/: BHKG Revised Statement of Rates and SOC to be effective 8/1/2021.
Filed Date: 8/30/21.
Accession Number: 20210830–5123.
Comments/Protests Due: 5 p.m. ET 9/20/21.

Docket Numbers: RP21–1067–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: § 4(d) Rate Filing: Quarterly Update Fuel Gas and LU Reimbursement Fling to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5039.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1068–000.
Applicants: Carolina Gas Transmission, LLC.
Description: Compliance filing: CGT—2021 Penalty Crediting Sharing Report to be effective N/A.
Filed Date: 8/31/21.
Accession Number: 20210831–5044.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1069–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 8–31–21 to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5051.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1070–000.

[1] 16 U.S.C. 824j, (2018).

Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20210831 Negotiated Rate to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5058.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1071–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2021 Semi-annual Fuel & Electric Power Reimbursement Adjustment to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5064.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1072–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5065.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1073–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 releases eff 9–1–2021) to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5068.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1074–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Constellation re-release eff 9–1–2021) to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5074.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1075–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: PAL NRA Engie SP370094, Hartree SP370073 & JP Morgan SP370134 to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5079.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1076–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (SRP_Sep 21) to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5088.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1077–000.
Applicants: MoGas Pipeline LLC.
Description: § 4(d) Rate Filing: MoGas Pipeline Annual Fuel Tracker Filing to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5108.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1078–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: 2021 ACA Tracker Filing—GSS. LSS, SS–2 & S–2 to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5133.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1079–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Compliance filing: Arcadiana Fuel Filing to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5147.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1080–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Sep 2021 to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5164.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1081–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Dalton Negotiated Rate to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5166.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1082–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–08–31 Negotiated Rate Agreements to be effective 9/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5216.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1083–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Agreements Filing (El Paso Electric) to be effective 10/1/2021.
Filed Date: 8/31/21.
Accession Number: 20210831–5219.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1084–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 9–1–2021 to be effective 9/1/2021.
Filed Date: 9/1/21.
Accession Number: 20210901–5015.
Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: RP21–1085–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rates—Northern Utilities 210363 Releases eff 9–1–2021 to be effective 9/1/2021.
Filed Date: 9/1/21.
Accession Number: 20210901–5019.
Comment Date: 5 p.m. ET 9/13/21.

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.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

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: September 1, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19374 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–99–000]

Complaint of Michael Mabee and Petition To Order Mandatory Reliability Standards for Equipment and Monitoring Systems Marketed From the People's Republic of China; Notice of Complaint

Take notice that on August 26, 2021, pursuant to section 215(d) of the Federal Power Act, 16 U.S.C. 824o(d) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2020), Michael Mabee, (Complainant) filed a formal complaint alleging: (1) Entities in the U.S. Bulk Power System as well as the overall U.S. electric grid are buying critical equipment from the People's Republic of China to install

into our critical electric infrastructure that the Communist regime's state sponsored, and state supported hackers are already probing and attacking; (2) there is no requirement that existing Chinese equipment or systems already installed in the electric grid be checked and tested for risks and vulnerabilities; and (3) there is no requirement that newly imported Chinese equipment or systems be checked and tested for risks and vulnerabilities before being installed on the electric grid., as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts as listed on the Commission's list of Corporate Officials.

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, 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. All interventions, or protests must be filed on or before the comment date.

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 TYY, (202) 502–8659.

Comment Date: 5:00 Eastern Time on September 15, 2021.

Dated: August 31, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–19206 Filed 9–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southwestern Power Administration

2021 Continuation of Temporary Power Sales Program

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice that new applications will be accepted for the Southwestern Power Administration Temporary Power Sales Program for 2021.

SUMMARY: Southwestern Power Administration (Southwestern) is accepting new applications under its Temporary Power Sales Program for 2021. Electric utility organizations interested in participating in the Temporary Power Sales Program should notify Southwestern of their interest by providing the information requested in the enclosed Resource Data Form B–2 and/or Resource Data Form L–2 to Southwestern.

DATES: Completed forms (Resource Data Form B–2 and/or Resource Data Form L–2) will be accepted beginning on September 7, 2021 and ending on October 22, 2021.

ADDRESSES: Completed forms and any questions or comments should be submitted to Ms. Fritha Ohlson, Senior Vice President and Chief Operating Officer (COO), Southwestern Power Administration, U.S. Department of Energy, 1 W 3rd St., Suite 1600, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Ms. Fritha Ohlson, Senior Vice President/COO, 918–595–6684 or email: *fritha.ohlson@swpa.gov.*

SUPPLEMENTARY INFORMATION: Southwestern markets hydroelectric power pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s) from 24 multi-purpose reservoir projects operated by the U.S. Army Corps of Engineers. These projects are located in Arkansas, Missouri, Oklahoma, and Texas. The Southwestern marketing area includes these states, plus Kansas and Louisiana.

Program Background

On June 18, 1987, Southwestern implemented its Temporary Power Sales Program, hereinafter referred to as ''the Program'' (52 FR 23206). The notice implementing the Program is hereinafter referred to as ''the 1987 FRN.'' The Program allows existing Southwestern customers to make all or a portion of their allocated federal hydroelectric power and energy from Southwestern (allocation) available to Southwestern for temporary sale to others in the following priority: (1) Public body and cooperative electric utility systems that are present or potential customers (including joint action agencies and any other public body and/or cooperative electric utility organizations that may be able to distribute the benefits of federal hydroelectric power and energy to said public body and cooperative electric utility systems), and (2) electric utilities other than public body and/or cooperative electric utility systems to be selected if no public body or cooperative electric utility systems are available to purchase such federal hydroelectric power and energy. See 52 FR at 23206 at 23207. Entities participating in the Program are referred to as ''loaners'' and ''borrowers.''

In response to the 1987 FRN, Southwestern received nine borrower applications and two loaner applications within the period of notice of the 1987 FRN, which began June 18, 1987 and ended August 31, 1987. Of the applications received, Southwestern made one match between two loaners and one borrower for a total of 0.7 megawatts (MW) for a term to continue on a year-to-year basis until terminated by the loaner, the borrower, or Southwestern. (The match was ultimately dissolved on August 17, 2005.)

On October 14, 1988, Southwestern sent a letter to its customers soliciting additional interest in the Program and indicating Southwestern's intention to maintain electric utility data on a biennial basis, with the lists of loaners and borrowers to be renewed every two years.

In response to the October 14, 1988 letter, Southwestern received two additional borrower applications and no additional loaner applications. Implementation of the Program continued with two internal memoranda to the file, the first dated August 9, 1989, and the second dated January 17, 1992. These memoranda summarized the results of two separate reviews. Both reviews acknowledged minimal interest in the Program but recommended continuing the Program pending the

results of future reviews. Records indicate that no additional reviews occurred until 2019.

2019 Review and Summary

Southwestern initiated its 2019 review of the Program after receiving an offer for a loan from the Southwestern customers receiving the output of the Robert D. Willis Hydropower Project (Willis). These customers offered all capacity and energy from Willis for loan for a duration to be determined.

In response to the loan offer, Southwestern contacted the six remaining participants in the Program to solicit their interest in the output of Willis. All six participants declined.

On October 25, 2019, Southwestern announced a continuation of the Program, including a call for new applicants (84 FR 57410). The 2019 notice continuing the Program is hereinafter referred to as ''the 2019 FRN.'' Southwestern received 20 applications within the period of notice of the 2019 FRN, which began October 25, 2019 and ended December 9, 2019. Of the applications received, Southwestern matched two pairs of loaners and borrowers: One for 2.0 MW for a ten-year term, and one for 1.6 MW for a seven-year term.

Southwestern also received applications after the period of notice with the understanding that the applications may be eligible for matching in the interim period between biennial reviews. In November 2020, Southwestern determined that it would postpone consideration of these interim applications until the 2021 review. Applicants were notified of this decision by letter dated December 7, 2020, which also informed the applicants that their applications would remain on file.

Summary of Matching Methodology

Records indicate that, prior to the 2019 review, there appeared to be no formal matching methodology other than consideration of preference entity status, chronological receipt, and acceptance of applications on an ad hoc basis. For the 2019 review, Southwestern analyzed its existing marketing documents and identified main principles that occurred throughout, including preference entity status; distribution by state; widespread use; transmission; and chronological receipt. Since the concept of preference entity status is established in statutory authorities and within the Program itself, it was considered first and foremost before applying the other principles.

After determining preference entity status, and starting with the principle that occurred the most and working down the list, Southwestern ranked the borrowers according to how well their respective applications matched a given principle. For example, if a borrower was located in the same state as a loaner, that borrower got a credit for the ''distribution by state'' principle. This procedure was followed until ties were broken between potential borrowers.

2021 Review and Proposed Program Change

Although Southwestern will continue to apply the principles established in the 2019 review to its 2021 review, Southwestern has identified a need to further clarify how it establishes ''chronological receipt.'' For the purposes of the 2021 matching process, Southwestern will determine chronological receipt as follows:

1. The six entities currently considered active under the 1987 FRN will have a chronological receipt date assigned in one of two ways: If an entity submitted a new application under the 2019 FRN, that entity's application will be assigned the chronological receipt date of the new application. If an entity did not submit a new application under the 2019 FRN, that entity's existing application will be assigned a new chronological receipt date of April 6, 2021, which is the date Southwestern began its 2021 review.
2. All entities that submitted applications under the 2019 FRN during the period of notice and that have not voluntarily withdrawn their respective applications will remain in the Program with their original chronological receipt dates.
3. All entities that submitted applications outside the period of notice of the 2019 FRN will remain in the Program with their original chronological receipt dates.
4. All entities that submit new applications in response to this **Federal Register** notice will be assigned new chronological receipt dates that will supersede any previous receipt date.

At the conclusion of the 2021 matching process, Southwestern intends to implement the following changes to simplify the Program, increase transparency, and reduce unnecessary confusion:

1. All unmatched applicants will be withdrawn from the Program and are free to re-apply during any future period of notice.
2. Southwestern will no longer consider applications submitted outside the period of notice of this or any future **Federal Register** notice.

Procedures for Applying to the Program

Interested parties are requested to complete Resource Data Forms containing information pertinent to the Program. The Resource Data Forms will be accepted during the period of notice specified in this **Federal Register** notice (see **DATES**). Resource Data Forms received after that period will not be accepted. Receipt date of a Resource Data Form will be based on the earliest date Southwestern received the transmittal instrument conveying the Resource Data Form: For example, the earlier of the ''Received'' date of an email if conveyed through email; the received date stamp from Southwestern's mail room of a hard copy letter if conveyed through the U.S. Mail; or the received log date from Southwestern's mail room of a package or letter if conveyed through a delivery service or certified U.S. Mail.

Each applicant will be sent a confirmation from Southwestern of the receipt of its application, and the confirmation will include the entity name to be associated with the application, the loan or borrow details, and the date of receipt. Applicants will be asked to concur with the confirmation in writing.

Following the 2021 matching process, notification of the results will be sent to all applicants. The notification will include a summary of matches made, a notification that all applications are withdrawn from the Program as of the date of the notification, and an announcement that new applications will be solicited via **Federal Register** notice following the next review, tentatively scheduled for 2023.

Submission of Resource Data Forms in no way obligates an applicant to loan or borrow under the Program. If a match is identified, Southwestern will work with the loaner and borrower to document the sale. Conversely, submission of Resource Data Forms in no way obligates Southwestern to make any sales under the Program. Such sales will be made at the sole discretion of Southwestern.

Allocations made available to Southwestern under the Program will be sold on a temporary basis, and for an initial period of not less than one (1) year, provided the selected borrower(s) have, or must be able to arrange, the transmission rights to receive such federal hydroelectric power and energy.

Therefore, in accordance with the priority expressed herein, Southwestern is hereby issuing this ''Notice that new applications will be accepted for the Southwestern Power Administration Temporary Power Sales Program.''

Electric utility organizations interested in participating in the Program should notify Southwestern of their interest by providing the information requested in the enclosed Resource Data Form B–2 and/or Resource Data Form L–2 to Southwestern (see **DATES**). To assist Southwestern in best matching loaners and borrowers, applicants are encouraged to use the ''Additional information'' section at the bottom of the forms to describe specific resources they want to borrow or loan. Fillable versions of these forms will also be made available on the Southwestern website at *https://www.swpa.gov.*

Based on the responses received, Southwestern, at its sole discretion, may elect to hold one or more public meetings to afford all responders equal opportunity to have their responses addressed.

Environmental Impact

Southwestern previously determined that the action of creating the Program and accepting new applications thereunder does not have a significant effect on the environment since peaking sales made under the Program will merely replace other peaking sales and resulting reservoir operations will not be affected. Southwestern has further determined that the action fits within the class of categorically excluded actions as listed in appendix B to subpart D of 10 CFR part 1021, DOE's Implementing Procedures and Guidelines of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347): Categorical exclusions applicable to B4.1, ''Contracts, policies, and marketing and allocation plans for electric power,'' and B4.4, ''Power marketing services and activities.'' On May 26, 2021, Southwestern determined that categorical exclusions B4.1 and B4.4 apply to the current action.

Signing Authority

This document of the Department of Energy was signed on August 30, 2021, by Mike Wech, Administrator, Southwestern Power Administration, 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 DOE. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 1, 2021.

Treena V. Garrett,

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

BILLING CODE 6450–01–P

Southwestern Power Administration (SWPA)

Hydroelectric Power Borrowing Program

Resource Data Form B-2

Name of Utility System _____

Address _____

Utility Manager _____

Telephone Number _____

1. Is your utility interested now, or in the near future, in borrowing Federal hydroelectric power that is available for loan on a temporary basis for distribution by SWPA?

Federal Capacity Only	Federal Energy Only	Both Federal Capacity and Federal Energy
[ ] Yes [ ] No	[ ] Yes [ ] No	[ ] Yes [ ] No

2. If yes, please indicate the quantities and types of Federal hydroelectric power your utility would be interested in borrowing and the desired time frames.

	Federal Capacity Only	Federal Energy Only	Both Federal Capacity and Energy	
	kW	kWh	kW	kWh
Quantity	_____	_____	_____	_____

Start Borrowing (Day, Month, Year) _____

Stop Borrowing (Day, Month, Year) _____

Additional information (optional): _____

_____

_____

_____

3. Does your utility have the transmission rights or is your utility able to arrange the transmission rights to receive Federal hydroelectric power from SWPA?

[ ] Yes [ ] No

If yes, describe the transmission rights in detail. _____

_____

_____

_____

_____

_____

Southwestern Power Administration (SWPA)

Hydroelectric Power Loaning Program

Resource Data Form L-2

Name of Utility System _____

Address _____

Utility Manager _____

Telephone Number _____

1. Does your utility presently have, or expect to have in the near future, Federal hydroelectric power that is available for loan on a temporary basis for distribution by SWPA?

Federal Capacity Only	Federal Energy Only	Both Federal Capacity and Federal Energy
[ ] Yes [ ] No	[ ] Yes [ ] No	[ ] Yes [ ] No

2. If yes, please indicate the quantities and types of Federal hydroelectric power your utility is willing to loan and the time frames available.

	Federal Capacity Only kW	Federal Energy Only kWh	Both Federal Capacity and Energy kW	kWh
Quantity	_____	_____	_____	_____

Begin Loan (Day, Month, Year) _____

End Loan (Day, Month, Year) _____

Additional information (optional): _____

_____

_____

_____

_____

_____

_____

_____

[FR Doc. 2021–19239 Filed 9–3–21; 8:45 am]

BILLING CODE 6450–01–C

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0627; FRL–8957–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Petroleum Refineries (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Petroleum Refineries (EPA ICR Number 1054.14, OMB Control Number 2060–0022), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2021. Public comments were previously requested, via the **Federal Register**, on February 8, 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 neither conduct nor 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 October 7, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0627, to: (1) EPA online using *https://www.regulations.gov/* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

The 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. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/,* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on the EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@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,* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Owners and operators of petroleum refineries are required to comply with reporting and record keeping requirements for the General Provisions (40 CFR part 60, subpart A), as well as for the applicable specific standards in 40 CFR part 60 subpart J. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards.

Form Numbers: None.

Respondents/affected entities: Petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart J).

Estimated number of respondents: 130 (total).

Frequency of response: Semiannually.

Total estimated burden: 13,800 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,450,000 (per year), which includes $809,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is a decrease in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to a decrease in the number of respondents subject to Subpart J. The estimated number of respondents is based on EPA's Enforcement and Compliance History Online (ECHO) database, data collected per the Agency's industry analysis in its recent 2018 and 2020 rulemakings and confirmed through industry consultations. The regulations have not changed over the past three years and are not anticipated to change over the next three years. The growth rate for this industry is very low or non-existent. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are no changes in the capital/startup costs. There is a decrease in operation and maintenance (O&M) costs due to a decrease in the number of respondents with these costs. O&M costs have been updated from 2005 to 2019 using the CEPCI Index.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–19336 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8729–01–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Financial Officer (OCFO), Environmental Protection Agency (EPA).

ACTION: Notice of a modified system of records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA) Office of the Chief Financial Officer (OCFO), Office of Technology Solutions, is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. EPA is making updates to its system of records, PeoplePlus, EPA–1 and is modifying this system of records notice to reflect those updates. EPA's Office of Human Resources (OHR) previously used the EPA–1 PeoplePlus system to administer several human resources functions, including time and attendance, payroll, workforce transformation, and entrance on duty system. The PeoplePlus system will now only be used for time and attendance, and EPA's OCFO will now manage the system.

DATES: Persons wishing to comment on this system of records notice must do so by October 7, 2021. New routine uses for this system of records will be effective October 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2014–0014, by one of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the online instructions for submitting comments.

Email: docket_oms@epa.gov. Include the Docket ID number in the subject line of the message.

Fax: 202–566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OMS Docket, EPA/D.C., WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special

arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OEI–2014–0014. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through *https://www.regulations.gov*. The *https://www.regulations.gov* website is an ''anonymous access'' system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets*.

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at the OMS Docket, EPA/D.C., WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington. DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OMS Docket is (202) 566–1752.

Temporary Hours During Covid–19

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes.

Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Michael Clanton, Director, Office of Technology Solutions; 1200 Pennsylvania Avenue NW, Mail Code 2731R, Washington, DC 20460; email address: *Clanton.Michael@epa.gov*; telephone number: 202 564–1084.

SUPPLEMENTARY INFORMATION: EPA's OHR has been using the PeoplePlus system to administer payroll, HR processes, and time and attendance.

EPA is removing the following systems/functions from the PeoplePlus system: Payroll (Federal Personnel Payroll System), Workforce Transformation, and Tracking System and Entrance on Duty System (WTTS/EODS)—web-based Human Resources Management Suite (HRMS), and Oracle's Business Intelligence Enterprise Edition (OBIEE). Specifically, the Department of the Interior, Interior Business Center will be hosting the systems/functions.

PeoplePlus will continue to administer EPA's time and attendance, and EPA is retaining those provisions of the EPA–1 SORN for these functions. The information maintained in PeoplePlus's time and attendance system is not being modified and the portions of the EPA–1 SORN not modified here remain unchanged.

The system manager, authority for maintenance of the system, purpose of the system, categories of records in the system, record source categories, routine uses, and policy and practices for storage and retrieval are being modified to reflect the updated usage and collection.

SYSTEM NAME AND NUMBER:

PeoplePlus; EPA–1.

SYSTEM LOCATION:

U.S. Environmental Protection Agency, National Computer Center (NCC), 109 T.W. Alexander Drive, Durham, NC 27711.

SYSTEM MANAGER(S):

Michael Clanton, Director, Office of Technology Solutions; 1200 Pennsylvania Avenue NW, Mail Code 2731R, Washington, DC 20460; email address: *Clanton.Michael@epa.gov;* telephone number: 202 564–1084.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101 *et seq.;* 5 U.S.C. 5501 *et seq.;* 5 U.S.C. 5525 *et seq.;* 5 U.S.C. 5701 *et seq.;* 5 U.S.C. 6301 *et seq.;* 31 U.S.C. 3512; Executive Order 9397 (Nov. 22, 1943); 5 U.S.C. 6362.

PURPOSE(S) OF THE SYSTEM:

As revised herein, PeoplePlus administers EPA's time and attendance by allowing EPA federal employees to document their time and attendance, including assigning time reporting and work codes. This time and attendance information is exchanged with EPA's payroll provider allowing for the processing of EPA employee payroll. PeoplePlus also allows EPA employees to track, request, and cancel various absence forms, including sick leave, annual leave, administrative leave, and time off awards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former EPA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

PeoplePlus contains general EPA employee time and attendance information. This includes elements (Hours/Time Reporting Code/Work Code) associated with bi-weekly time and attendance and elements (Start-End Dates/Leave Category/Absence Type/Duration) related to submitting absence requests for various types of leave. PeoplePlus contains employee information for payroll processing, including: Names, SSNs, EINs, DOBs, Addresses, Work Telephone #s, and Employee IDs.

RECORD SOURCE CATEGORIES:

EPA's payroll provider, the individual on whom the record is maintained, and Agency officials such as managers and supervisors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following routine uses apply to this system:

A. Disclosure for Law Enforcement Purposes: Information may be disclosed

to the appropriate Federal, State, local, tribal, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

B. Disclosure Incident to Requesting Information: Information may be disclosed to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested,) when necessary to obtain information relevant to an agency decision concerning retention of an employee or other personnel action (other than hiring,) retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

C. Disclosure to Requesting Agency: Disclosure may be made to a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

D. Disclosure to Office of Management and Budget: Information may be disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

E. Disclosure to Congressional Offices: Information may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

F. Disclosure to Department of Justice: Information may be disclosed to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Agency is authorized to appear, when:

1. The Agency, or any component thereof;

2. Any employee of the Agency in his or her official capacity;

3. Any employee of the Agency in his or her individual capacity where the Department of Justice or the Agency have agreed to represent the employee; or

4. The United States, if the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Agency is deemed by the Agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

G. Disclosure to the National Archives: Information may be disclosed to the National Archives and Records Administration in records management inspections.

H. Disclosure to Contractors, Grantees, and Others: Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the Agency and who have a need to have access to the information in the performance of their duties or activities for the Agency. When appropriate, recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

I. Disclosures for Administrative Claims, Complaints and Appeals: Information from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee, but only to the extent that the information is relevant and necessary to the proceeding. Agencies that may obtain information under this routine use include, but are not limited to, the Office of Personnel Management, Office of Special Counsel, Merit Systems Protection Board, Federal Labor Relations Authority, Equal Employment Opportunity Commission, and Office of Government Ethics.

J. Disclosure to the Office of Personnel Management: Information from this system of records may be disclosed to the Office of Personnel Management pursuant to that agency's responsibility for evaluation and oversight of Federal personnel management.

K. Disclosure in Connection With Litigation: Information from this system of records may be disclosed in connection with litigation or settlement discussions regarding claims by or against the Agency, including public filing with a court, to the extent that disclosure of the information is relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

The two routine uses below (L and M) are required by OMB Memorandum M–17–12.

L. Disclosure to Persons or Entities in Response to an Actual or Suspected Breach of Personally Identifiable Information: To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that there has been a breach of the system of records, (2) the Agency has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Agency (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 Agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

M. Disclosure to Assist Another Agency in Its Efforts to Respond to a Breach of Personally Identifiable Information: To another Federal agency or Federal entity, when the Agency 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.

N. Disclosure to EPA's Payroll Processing Entity: To EPA's current payroll provider to process EPA's payroll.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These records are maintained electronically on servers located at EPA, NCC.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the employee identification number and/or employee network ID.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records contained in this system of records are covered by EPA record schedule 300 for purposes of retention and disposal. Records are maintained for 3 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Security controls used to protect personally identifiable information (PII) in PeoplePlus are commensurate with those required for an information system rated MODERATE for confidentiality, integrity, and availability, as prescribed in National Institute of Standards and Technology (NIST) Special Publication, 800–53, ''Security and Privacy Controls for Federal Information Systems and Organizations,'' Revision 5.

1. Administrative Safeguards: PeoplePlus follows procedures set out by NIST 800–53 and EPA's Chief Information Officer (CIO) Security Procedures including that EPA personnel are required to complete annual agency Information Security and Privacy training. EPA personnel are instructed to lock their computers when they leave their desks.

2. Technical Safeguards: Computer records are maintained in a secure password-protected environment. Access to computer records is limited to those who have a need to know. Permission level assignments allow users access only to those functions for which they are authorized. Data stored on the server is encrypted. Backups will be maintained at a disaster recovery site.

3. Physical Safeguards: All servers are maintained in secure, access-controlled areas or buildings.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information in this system of records about themselves are required to provide adequate identification (*e.g.,* driver's license, military identification card, employee badge, or identification card). Additional identity verification procedures may be required, as warranted. Requests must meet the requirements of EPA regulations that implement the Privacy Act of 1974, at 40 CFR part 16.

CONTESTING RECORDS PROCEDURES:

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are described in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURE:

Any individual who wants to know whether this system of records contains a record about him or her should make a written request to the EPA, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, *privacy@epa.gov.*

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

EPA–1, PeoplePlus previously issued SORN modifications published in the **Federal Register** on June 5, 2014 (79 FR 32543), July 9, 2007 (72 FR 37217–37220), October 10, 2003 (68 FR 58670), and February 22, 2002 (67 FR 8246).

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2021–19311 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8883–01–OA]

Request for Nominations for the Science Advisory Board IRIS Chloroform (Noncancer; Inhalation) Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the draft EPA Integrated Risk Information System (IRIS) Toxicological Review of Chloroform (Noncancer; Inhalation). The draft assessment includes a hazard identification analysis, which summarizes the chemical properties, pharmacokinetics, and health effects associated with environmental or occupational exposure, and dose-response analysis, which characterizes the quantitative relationship between chemical exposure and each credible health hazard. The SAB Chloroform Review Panel will consider whether the conclusions found in the EPA's draft assessment are clearly presented and scientifically supported. The Panel will also be asked to provide recommendations on how the assessment may be strengthened.

DATES: Nominations should be submitted by September 28, 2021 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Suhair Shallal, Designated Federal Officer (DFO), EPA Science Advisory Board via telephone/voice mail (202) 564–2057, or email at *shallal.suhair@epa.gov.* General information concerning the EPA SAB can be found at the EPA SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Staff Office is forming an expert panel, the SAB Chloroform Review Panel, under the auspices of the Chartered SAB. The SAB Chloroform Review Panel will provide advice through the chartered SAB. The SAB and the SAB Chloroform Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The SAB Chloroform Review Panel will conduct a review of the draft EPA IRIS Toxicological Review of Chloroform (Inhalation; Noncancer). The draft assessment includes a hazard identification analysis, which summarizes the chemical properties, pharmacokinetics, and health effects associated with environmental or occupational exposure, and dose-response analysis, which characterizes the quantitative relationship between chemical exposure and each credible health hazard. The SAB Chloroform Review Panel will consider whether the conclusions found in the EPA's draft assessment are clearly presented and scientifically supported. The Panel will also be asked to provide recommendations on how the assessment may be strengthened.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: *toxicology, specifically inhalation toxicology/dosimetry, hepatic and nephrological toxicology; epidemiology; systematic review; physiologically-based pharmacokinetic (PBPK) modeling; carcinogenesis; risk assessment; dose response analysis.*

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified

individuals in the areas of expertise described above for possible service on the SAB Panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at *https://sab.epa.gov* (see the ''Public Input on Membership'' list under ''Committees, Panels, and Membership''). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity. Nominations should be submitted in time to arrive no later than September 28, 2021. The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes: Current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the Panel on the SAB website at *https://sab.epa.gov.* Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB website at *https://sab.epa.gov.* This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB website at *https://sab.epa.gov.*

V. Khanna Johnston,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2021–19150 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0346; FRL–8720–01–OCSPP]

Agency Information Collection Activities; Proposed Renewal of an Existing Collection and Request for Comment; Labeling Requirements for Certain Minimum Risk Pesticides Under FIFRA Section 25(b)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on an Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB). The ICR, entitled: ''Labeling Requirements for Certain Minimum Risk Pesticides under FIFRA Section 25(b)'' and identified by EPA ICR No. 2475.04 and OMB Control No. 2070–0187, represents the renewal of an existing ICR that is currently approved through April 30, 2022. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before November 8, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2021–0346, through *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Nora Stoner, Mission Support Division (7101M), Office of Program Support, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–0355; email address: *stoner.nora@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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 submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Labeling Requirements for Certain Minimum Risk Pesticides under FIFRA Section 25(b).

ICR number: EPA ICR No. 2475.04.

OMB control number: OMB Control No. 2070–0187.

ICR status: This ICR is currently scheduled to expire on April 30, 2022. 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 OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Minimum risk pesticide products are not registered by EPA, therefore the product information associated with the pesticide registration process under section 3 of FIFRA are never submitted to EPA. Labeling requirements are the key component of the minimum risk exemption since this is the only information that enforcement authorities have to assess whether or not the product meets the exemption requirements. While EPA does not review these products, and therefore a Federal label review is not conducted, to maintain exemption status, an exempt product's label must meet certain criteria. The Agency will reach out as required under 5 CFR 1320.8(d)(1), to representatives from producers of minimum risk pesticide products that would be subjected to the labeling requirements under 40 CFR 152.25(f).

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5.5 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are individuals or entities engaged in activities related to the registration of pesticide products including manufacturers, distributers, retailers, and users of minimum risk pesticides.

Respondent's obligation to respond: Voluntary.

Estimated total number of potential respondents: 7.

Frequency of response: One time.

Estimated total average number of responses for each respondent: 87.

Estimated total annual burden hours: 478.5 hours.

Estimated total annual costs: $61,018.45. This includes an estimated burden cost of $50,576.67 and an estimated cost of $9,963.28 for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is an increase of $26,448.82 labor costs in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects the updated wage rates, the total labor costs increased from $156,606.53 to $183,055.35.

In addition, OMB has requested that EPA move towards using the 18-question format for ICR Supporting Statements used by other federal agencies and departments and that is based on the submission instructions established by OMB in 1995, replacing the alternate format developed by EPA and OMB prior to 1995. The Agency does not expect this change in format to result in substantive changes to the information collection activities or related estimated burden and costs.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: August 27, 2021.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2021–19188 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0060; FRL–8858–01–OCSPP]

Cancellation Order for Certain Pesticide Registrations and Amendments To Terminate Uses; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of April 2, 2021, concerning the cancellations and amendments to terminate uses voluntarily requested by the registrants and accepted by the Agency. This document is being issued to correct the cancellation order in Table 1 of Unit I, by removing the registration number 66570–2 and Table 3 of Unit I, by removing EPA company number 66570, as these entries were made in error.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including

environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0060, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What does this correction do?

This notice is being issued to correct Table 1 and Table 3 of Unit I of the cancellation notice. This correction removes registration number 66570–2 and company number 66570, as these entries were entered in error and the registration should not be cancelled. FR Doc. 2021–06851 published in the **Federal Register** on April 02, 2021, (86 FR 17382) (FRL–10021–91).

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 20, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–19184 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0015; FRL–8905–01–OCSPP]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a February 17, 2021 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II to voluntarily cancel these product registrations. In the February 17, 2021 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are applicable September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0015, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What action is the Agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
241–74	241	Cycocel Plant Growth Regulant	Chlormequat chloride.
69969–1	69969	Flight Control	Anthraquinone.
69969–4	69969	AV–1011 Rice Seed Treatment	Anthraquinone.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA company No.	Company name and address
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
69969	Arkion Life Sciences, LLC., Airepel Division, Agent Name: Landis International, Inc., 3815 Madison Highway, P.O. Box 5126, Valdosta, GA 31603–5126.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the February 17, 2021 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II are canceled. The effective date of the cancellations that are the subject of this notice is September 7, 2021. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of February 17, 2021 (86 FR 9932) (FRL–10019–59). The comment period closed on August 16, 2021.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II until September 5, 2022, which is 1-year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 20, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–19119 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2021–0128; FRL—8951–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Clean Watersheds Needs Survey (CWNS) (Reinstatement)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Clean Watersheds Needs Survey (EPA ICR Number 0318.13, OMB Control Number 2040–0050) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request for approval of reinstatement a previously approved ICR. Public comments were previously requested via the **Federal Register** on March 1st, 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 October 7, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2021–0128 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: Joshua Klein, Office of Water, State Revolving Fund Branch, (4204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8616; email address: *klein.joshua@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Clean Watersheds Needs Survey (CWNS) is required by Clean Water Act (CWA) Sections 205(a) and 516. It is a periodic inventory of existing and planned publicly owned wastewater conveyance and treatment facilities, combined sewer overflow correction, stormwater management and other water pollution control facilities in the United States, as well as an estimate of how many of these facilities need to be built. The CWNS is a joint effort between EPA and the states. The CWNS collects cost and technical data from states that are associated with publicly owned treatment works (POTWs) and other water pollution control facilities, existing and planned. The respondents who provide this information to EPA are state agencies responsible for environmental pollution control and local facility contacts who provide documentation to the states. Periodically, the states request data or documentation from contacts at the facility or local government level. These respondents are referred to as facilities.

No confidential information is used, nor is sensitive information collected that would be protected from release under the Public Information Act. EPA achieves national consistency in the final results through the application of uniform guidelines and validation techniques.

Form Numbers: None.

Respondents/affected entities: States, Territories, and Local Facilities.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 56 States and Territories, 5,349 Local Facilities (total).

Frequency of response: Every 4 years.

Total estimated burden: 9,645 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $505,004 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 541 hours and $134,820 in the total estimated respondent burden compared with the ICR previously approved by OMB. This increase is based upon an increase in facility universe, as well as an adjustment in labor rates and benefits.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–19312 Filed 9–3–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1207; FR ID 45832]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 8, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1207.

Title: Sections 25.701, Other DBS Public Interest Obligations, and 25.702, Other SDARS Public Interest Obligations.

Form Number: None.

Type of Review: Extension of an existing collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 3 respondents and 3 responses.

Estimated Hours per Response: 18 hrs.

Frequency of Response: On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

Total Annual Burden: 54 hours.

Total Annual Cost: $592.

Obligation to Respond: Required to be obtained or retained for benefits. The statutory authority for this information collection is contained in sections 154, 301, 302, 303, 307, 309, 319, 332, 605, and 721 of the Communications Act of 1934, as amended.

Needs and Uses: In 2012, the Commission replaced the decades-old requirement that commercial and noncommercial television stations maintain public files at their main studios with a requirement to post most of the documents in those files to a central, online public file hosted by the Commission. On January 28, 2016, the Commission adopted a Report and Order (''R&O'') in MB Docket No. 14–127, FCC 16–4, In the Matter of Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees, expanding the requirement that public inspection files be posted to the FCC-hosted online public file database to satellite TV (also referred to as ''Direct Broadcast Satellite'' or ''DBS'') providers and to satellite radio (also referred to as ''satellite Digital Audio Radio Services'' or ''SDARS'') licensees, among other entities. The Commission stated that its goal is to make information that these entities are already required to make publicly available more accessible while also reducing costs both for the government and the public sector. The Commission took the same general approach to transitioning these entities to the online file that it took with television broadcasters in 2012, tailoring the requirements as necessary to the different services. The Commission also took similar measures to minimize the effort and cost entities must undertake to move their public files online. Specifically, the Commission required entities to upload to the online public file only documents that are not already

on file with the Commission or that the Commission maintains in its own database. The Commission also exempted existing political file material from the online file requirement and required that political file documents be uploaded only on a going-forward basis.

The Commission first adopted a public inspection file requirement for broadcasters more than 40 years ago. The public file requirement grew out of Congress' 1960 amendment of Sections 309 and 311 of the Communications Act of 1934. Finding that Congress, in enacting these provisions, was guarding ''the right of the general public to be informed, not merely the rights of those who have special interests,'' the Commission adopted the public inspection file requirement to ''make information to which the public already has a right more readily available, so that the public will be encouraged to play a more active part in dialogue with broadcast licensees.'' The information provided in the public file enables citizens to engage in an informed dialog with their local video provider or to file complaints regarding provider operations. Satellite TV (also known as ''Direct Broadcast Satellite'' or ''DBS'') providers and satellite radio (also referred to as ''Satellite Digital Audio Radio Services'' or ''SDARS'') licensees have public and political file requirements modeled, in large part, on the longstanding broadcast requirements. With respect to DBS providers, the Commission adopted public and political inspection file requirements in 1998 in conjunction with the imposition of certain public interest obligations, including political broadcasting requirements, on those entities. DBS providers were required to ''abide by political file obligations similar to those requirements placed on terrestrial broadcasters and cable systems'' and were also required to maintain a public file with records relating to other DBS public interest obligations. The Commission imposed equal employment opportunity and political broadcast requirements on SDARS licensees in 1997, noting that the rationale behind imposing these requirements on broadcasters also applies to satellite radio.

The information collection requirements contained in 47 CFR 25.701(d) require each DBS provider to keep and permit public inspection of a complete and orderly record (political file) of all requests for DBS origination time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the provider of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file. All records required to be retained by this section must be placed in the political file as soon as possible and retained for a period of two years. DBS providers must make available, by fax, email, or by mail upon telephone request, copies of documents in their political files and assist callers by answering questions about the contents of their political files. If a requester prefers access by mail, the DBS provider must pay for postage but may require individuals requesting documents to pay for photocopying. If a DBS provider places its political file on its website, it may refer the public to the website in lieu of mailing copies.

Any material required to be maintained in the political file must be made available to the public by either mailing or website access or both.

The information collection requirements contained in 47 CFR 25.701(d) require DBS providers to place all new political file material required to be retained by this section in the online file hosted by the Commission.

47 CFR 25.701(f)(6) information collection requirements require each DBS provider to maintain a public file containing a complete and orderly record of quarterly measurements of: Channel capacity and yearly average calculations on which it bases its four percent reservation, as well as its responses to any capacity changes; a record of entities to whom noncommercial capacity is being provided, the amount of capacity being provided to each entity, the conditions under which it is being provided and the rates, if any, being paid by the entity; and a record of entities that have requested capacity, disposition of those requests and reasons for the disposition. All records required by this provision must be placed in a file available to the public as soon as possible and be retained for a period of two years.

47 CFR 25.701(f)(6) to require DBS providers to place all public file material required to be retained by this section in the online file hosted by the Commission. Each DBS provider must place in the online file the records required to be placed in the public inspection file by 47 CFR 25.701(e)(commercial limits in children's programs) and by 47 CFR 25.601 and Part 76, Subpart E (equal employment opportunity requirements) and retain those records for the period required by those rules. In addition, each DBS provider is required to provide a link to the public inspection file hosted on the Commission's website from the home page of its own website, if the provider has a website, and provide on its website contact information for a representative who can assist any person with disabilities with issues related to the content of the public files. Each DBS provider is also required to include in the online public file the name, phone number, and email address of the licensee's designated contact for questions about the public file. In addition, each DBS provider must place the address of the provider's local public file in the Commission's online file unless the provider has fully transitioned to the FCC's online public file (*e.g.,* posts to the FCC's online file database all public and political file material required to be maintained in the public inspection file) and also provides online access via the provider's own website to back-up political file material in the event the online file becomes temporarily unavailable.

47 CFR 25.702(b) requires each SDARS licensee to maintain a complete and orderly record (political file) of all requests for SDARS origination time made by or on behalf of candidates for public office, together with the disposition made by the provider of such requests, and the charges made, if any, if the request is granted. The disposition must include the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file. SDARS licensees are required to place all records required by this section in the political file as soon as possible and retain the record for a period of two years.

The information collection requirements contained in 47 CFR 25.702(c) require each SDARS applicant or licensee to place in the online file hosted by the Commission the records required to be placed in the public inspection file by 47 CFR 25.601 and 73.2080 (equal employment opportunities) and to retain those records for the period required by those rules. Each SDARS licensee must provide a link to the public inspection file hosted on the Commission's website from the home page of its own website, if the licensee has a website, and provide on its website contact information for a representative who

can assist any person with disabilities with issues related to the content of the public files. Each SDARS licensee is also required to include in the online public file the name, phone number, and email address of the licensee's designated contact for questions about the public file. In addition, each SDARS licensee must place the address of the provider's local public file in the Commission's online file unless the provider has fully transitioned to the FCC's online public file (*i.e.,* posts to the Commission's online public file all public and political file material required to be maintained in the public inspection file) and also provides online access via the licensee's own website to back-up political file material in the event the online file becomes temporarily unavailable.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–19242 Filed 9–3–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10085	Security Bank of Bibb County	Macon	GA	09/01/2021
10174	Bank of Leeton	Leeton	MO	09/01/2021
10182	Marshall Bank, NA	Hallock	MN	09/01/2021
10222	New Century Bank	Chicago	IL	09/01/2021
10223	Peotone Bank and Trust Company	Peotone	IL	09/01/2021
10246	Arcola Homestead Savings Bank	Arcola	IL	09/01/2021

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 1, 2021.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–19195 Filed 9–3–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS21–06]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.asc.gov*) and access the provided registration link in the What's New box. You MUST register in advance to attend this Meeting.

Date: September 15, 2021.

Time: 10:00 a.m. ET.

Status: Open.

Reports

Chairman
Executive Director
Grants Director
Financial Manager

Action and Discussion Items

Approval of Minutes
- June 2, 2021 Open Session Quarterly Meeting

FY22 Notice of Funding Availability Summary for the Appraisal Foundation
FY22 Notice of Funding Availability Summary for State Support Grants
FY22 ASC Budget Proposal
Proposed revisions to the Policy on Monitoring and Reviewing the Appraisal Foundation

How To Attend and Observe an ASC Meeting

Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.asc.gov*) and access the provided registration link in the What's New box. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

James R. Park,

Executive Director.

[FR Doc. 2021–19246 Filed 9–3–21; 8:45 am]

BILLING CODE 6700–01–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 September 23, 2021.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Bryce S. Flaming Irrevocable Trust, the Matthew G. Flaming Irrevocable Trust, and the Ashley N. Flaming Irrevocable Trust, all of Cherokee, Oklahoma, Gerald R. Chelgren, as trustee for each trust, Derby, Kansas;*

The Randy Scott Flaming Trust, the Rebecca Salinas Irrevocable Trust, and the Jacob Salinas Irrevocable Trust, Brenda Salinas, as trustee for each trust, and the Barbara Dean Flaming Trust, Jose Salinas, individually, and as trustee all of Cherokee, Oklahoma;

To join the Flaming Family Group, a group acting in concert, to retain voting shares of Alfalfa County Bancshares, Inc., and thereby indirectly retain voting shares of ACB Bank, both of Cherokee, Oklahoma.

Board of Governors of the Federal Reserve System, September 2, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–19376 Filed 9–3–21; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–MY–2021–01; Docket No. 2021–0002; Sequence No. 22]

Office of Shared Solutions and Performance Improvement (OSSPI); Chief Data Officers Council (CDO); Notification of Upcoming Public Meeting

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: The Federal Chief Data Officers Council (CDO Council) is having a public meeting which will introduce the public to CDO Council priorities, first year accomplishments and working group updates. Additionally, the CDO Council will host panel discussions of Federal data leaders. The meeting will also share information about Evidence Act Councils data collaboration efforts across the Federal government. The CDO Council will introduce a Request for Information (RFI) for the public to provide input on key questions to support the council's mission and focus areas. Responses to this RFI will inform the Council's efforts and will be shared with the relevant groups in the Council.

DATES: The CDO Council Public meeting will be held virtually on Thursday, October 14, 2021, from 1:00 p.m. to 4:30 p.m. Eastern time (ET).

ADDRESSES: Interested individuals must register to attend via the CDO Council website. To register for the meeting, please visit *https://www.cdo.gov/public-meeting.* Additional information about the public meeting, including meeting materials and the agenda, will be available on-line as it becomes available. The meeting will be recorded and the recording will be posted online on *https://www.cdo.gov/.*

FOR FURTHER INFORMATION CONTACT: Ken Ambrose and Shenaye Holmes, Senior Advisors, Office of Shared Solutions and Performance Improvement, Office of Government-wide Policy, General Services Administration, 1800 F Street NW, (Mail-code: MY), Washington, DC 20405, at 202–215–7330 (Ken Ambrose) and 202–213–2922 (Shenaye Holmes), or *cdocstaff@gsa.gov.*

SUPPLEMENTARY INFORMATION:

CDO Council Background

The Federal Chief Data Officers (CDO) Council was established by the Foundations for Evidence-Based Policymaking Act (Pub. L. 115–435) which also requires all federal agencies to appoint a CDO. The Council's vision is to improve government mission achievement and increase the benefits to the Nation through improvement in the management, use, protection, dissemination, and generation of data in government decision-making and operations. The CDO Council has over 80 member CDOs from across the Federal government, as well as representatives from the Office of Management and Budget, and other key councils and committees. The CDO Council has working groups that focus on critical topics as well as committees that help Federal agencies connect and collaborate. The CDO Council also works with other interagency councils on data related topics and activities. The CDO Council engages with the public and private users of Government data to improve data practices and access to data assets.

The CDO Council public meeting is for any member of the public or user of Federal government data. As a result of this public meeting, the public will learn about the CDO Council efforts to expand the strategic use of data by Federal agencies, how the Federal government is working to improve access to data assets, and how cross-agency councils are collaborating on data challenges. The public will also learn how data plays a critical role in this Administration's priorities.

Procedures for Attendance and Public Comment

Register to attend the public meeting via the CDO Council website at *https://www.cdo.gov/public-meeting.* Attendees must register by 5:00 p.m. ET, on Thursday, October 7, 2021. (GSA will be unable to provide assistance to any attendee experiencing technical difficulties during the meeting.)

Accomodations

To request accommodation of a disability, please contact *cdocstaff@gsa.gov* no later than seven (7) calendar days prior to the meeting to allow as much time as possible to process your request.

Background

The Chief Data Officers (CDO) Council was established in accordance with the requirements of the Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. 115–435). The Council's vision is to improve government mission achievement and increase the benefits to the Nation through improvement in the management, use, protection, dissemination, and generation of data in government decision-making and operations.

October 14, 2021 Meeting Agenda

- Call to Order and Logistics
- Welcome from the Chief Data Officers (CDO) Council Chair
- Welcome from the Office of Management Budget (OMB)
- CDO Council Introduction, Priorities, Accomplishments
- Panel of Working Group Leaders
- Panel of CFO Act and Non-CFO Act Chief Data Officers
- OMB Data Priorities
- Evidence Act Councils Data Collaboration Discussion
- Introduction to the Request for Information (RFI)

- Closing Remarks

Ken Ambrose,

Senior Advisor CDO Council, Office of Shared Solutions and Performance Improvement, General Services Administration.

Shenaye Holmes,

Senior Advisor CDO Council, Office of Shared Solutions and Performance Improvement, General Services Administration.

[FR Doc. 2021–19227 Filed 9–3–21; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the Savannah River Site in Aiken, South Carolina, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Grady Calhoun, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION: On August 18, 2021, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

''All construction trade employees of Department of Energy subcontractors [excluding employees of the following prime contractors who worked at the Savannah River Site in Aiken, South Carolina, during the specified time periods: E. I. du Pont de Nemours and Company, October 1, 1972, through March 31, 1989; and Westinghouse Savannah River Company, April 1, 1989, through December 31, 1990], who worked at the Savannah River Site from October 1, 1972, through December 31, 1990, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.''

This designation will become effective on September 17, 2021, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

(Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C))

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health.

[FR Doc. 2021–19167 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Determination Concerning a Petition To Add a Class of Employees to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a determination concerning a petition to add a class of employees from Superior Steel Company, in Carnegie, Pennsylvania, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

FOR FURTHER INFORMATION CONTACT: Grady Calhoun, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 1090 Tusculum Avenue, MS C–45, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION: On August 19, 2021, the Secretary of HHS determined that the following class of employees does not meet the statutory criteria for addition to the SEC as authorized under EEOICPA:

''All atomic weapons employees who worked in any area at Superior Steel Co. in Carnegie, Pennsylvania, during the period from January 1, 1952, through December 31, 1957.''

(Authority: 42 U.S.C.7384q.)

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health.

[FR Doc. 2021–19166 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–0920; Docket No. CDC–2021–0092]

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 Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers. This proposed information collection activity includes the use of web surveys to test campaign messaging.

DATES: CDC must receive written comments on or before November 8, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0092 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

Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers (OMB Control No. 0920–0920, Exp. 11/30/2021)—Extension — National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In response to the continued HIV epidemic in our country, CDC launched the Let's Stop HIV Together campaign (formerly known as Act Against AIDS), a multifaceted communication campaign to reduce HIV incidence in the United States in 2009. CDC has released the campaign in phases, with some of the phases running concurrently. Each phase of the campaign uses mass media and direct-to-consumer channels to deliver messages. Some campaigns provide basic education and increase awareness of HIV/AIDS among the general public whereas others emphasize HIV prevention and testing among specific subgroups or communities at greatest risk of infection. CDC will also develop new messages to address changes in prevention science and subpopulations affected by HIV. The proposed study will assess the effectiveness of these social marketing messages aimed at increasing HIV/AIDS awareness, increasing prevention behaviors, and improving HIV testing rates among consumers.

This Extension of an ongoing study will allow for continued evaluation of the effectiveness of Let's Stop HIV Together social marketing campaign through surveys with consumers. A total of 6,445 respondents were approved for the previously renewed Generic ICR (0920–0920) in 2018, and since the approval date, 1,000 respondents were surveyed under the GenIC, ''Development of Messages for the Let's Stop HIV Together National Campaign''. The information collected from this survey was used to evaluate the acceptability and potential effectiveness of proposed concepts, messages, and taglines for a component of the Let's Stop HIV Together campaign focused on HIV prevention that promotes proven, effective prevention strategies, such as pre-exposure prophylaxis (PrEP) and treatment as prevention (TasP).

CDC is requesting a one-year extension to continue surveying target audiences. Through this extension, we plan to reach the remaining approved 5,445 respondents. To obtain the remaining respondents, we anticipate screening approximately 30,880 individuals. Depending on the target audience for the campaign phase, the study screener will vary. The study screener may address one or more of the following items: Race/ethnicity, sexual behavior, sexual orientation, gender identity, HIV testing history, HIV status, and injection drug use. Each survey will have a core set of items asked in all rounds, as well as a module of questions relating to specific Let's Stop HIV Together phases and activities.

Respondents will be recruited through national opt-in email lists, the internet, and external partnerships with community-based and membership organizations that work with or represent individuals from targeted populations (*e.g.,* National Urban League, the National Medical Association). Respondents will self-administer the survey at home on personal computers. In total CDC requests approval for an estimated 3,751 burden hours. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Individuals (male and female) aged 18 years and older.	Study Screener	30,880	1	2/60	1,029
	Survey Module	5,445	1	30/60	2,722
Total					3,751

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–19162 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–1092; Docket No. CDC–2021–0091]

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 Sudden Death in the Young (SDY). The goal of the SDY Case Registry is to improve and standardize the ascertainment of deaths so that funded jurisdictions can better understand the incidence and risk factors for sudden death in youth. Per CDC's cooperative agreement, respondents agree to compile a defined set of SDY information about a defined subset of child deaths through the jurisdiction/state's existing CDR program.

DATES: CDC must receive written comments on or before November 8, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0091 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

Sudden Death in the Young (SDY) (OMB Control No. 0920–1092, Exp. 04/30/2022)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

Estimates of the annual incidence of sudden death in the young (SDY) vary broadly due to differences in case definitions, inconsistencies in classifying cause of death (on death certificates), study populations, and case ascertainment. To address the need for improved estimates of SDY incidence, and its epidemiology based on uniform cases definitions, CDC, in collaboration with NIH's National Heart, Lung, and Blood Institute (NHLBI) and National Institute of Neurological Disorders and Stroke (NINDS), implemented the SDY Case Registry in 2015. To meet the ongoing need to produce accurate and uniform information, CDC and NIH continued the SDY Case Registry in 2018 with 13 awardees through a CDC-based cooperative agreement program (DP18–1806).

CDC awardees agree to compile a defined set of SDY information about a defined subset of child deaths through the jurisdiction/state's existing CDR program. Each of the 13 CDC-funded jurisdiction/state awardees will, on average, review and enter data on 55 of 720 cases each year. Additionally, based on historical program information, it is estimated that approximately half (360) of the 720 estimated SDY cases each year will be recommended for advanced clinical review by a team of three medical experts.

OMB approval is requested for three years. The total estimated annual burden is 511 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
State health personnel	SDY Module I	13	55	10/60	119

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Medical Expert	Advanced Review	39	28	15/60	273
State Health Personnel	SDY Module N	13	55	10/60	119
Total hours					511

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–19163 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21HT; Docket No. CDC–2021–0090]

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 National Wastewater Surveillance System for COVID–19. The proposed information collection project aims to collect SARS–CoV–2 wastewater and associated sewershed-level case data from participating jurisdictions in the United States to inform COVID–19 prevention and control efforts.

DATES: CDC must receive written comments on or before November 8, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0090 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

National Wastewater Surveillance System for COVID–19—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The COVID–19 pandemic has demonstrated the need for timely, actionable surveillance data to inform prevention and control activities. The genetic material of SARS–CoV–2, the virus that causes COVID–19, has been detected in the feces of infected individuals, regardless of their symptom status. Therefore, sampling and testing wastewater provides a means to obtain an assessment of SARS–CoV–2 infection trends in the community independent of health care seeking, or other clinical indicators.

The Waterborne Disease Prevention Branch (WDPB) in the Division of Foodborne, Waterborne, and Environmental Diseases works to prevent domestic and global water, sanitation, and hygiene related disease. In support of the Centers for Disease Control and Prevention (CDC) COVID–19 response, WDPB established the National Wastewater Surveillance System (NWSS). NWSS serves as a public health tool to provide environmental surveillance of SARS–CoV–2 infections. Wastewater data have provided impactful information to local public health authorities, whether to confirm trends observed in testing or hospitalization rates, or to assert the need for increased testing or healthcare resources. NWSS has supported

jurisdictions throughout the United States to implement wastewater surveillance, and will continue to support state, tribal, local, and territorial (STLT) partners to collect wastewater data. Data are input to the Data Collation and Integration for Public Health Event Response (DCIPHER) platform for participants to view and analyze their data in near real time.

Wastewater surveillance provides aggregated, anonymized data at the community level to indicate trends in SARS–CoV–2 infections. These data can be particularly useful in underserved populations where clinical testing is limited or health care seeking is reduced. Wastewater data collection could inform locations that require greater resource allocation early in outbreaks and provide health departments with an additional, clinical-testing agnostic surveillance method to assess community-level COVID–19 trends.

Wastewater data collection will be coordinated by health department jurisdictions through close collaboration with wastewater utilities, testing laboratories, and CDC. Wastewater utilities will collect grab, time-weighted composite, or flow-weighted composite samples of wastewater from wastewater influent lines at least once a week. The wastewater samples will be shipped along with their associated sampling metadata to testing laboratories where SARS–CoV–2 RNA will be quantified. The testing laboratory will deliver wastewater sample collection and laboratory testing data to the jurisdiction health department to compile, review, and submit to CDC using the comma separated value (CSV) bulk upload template into the NWSS DCIPHER platform.

In addition to wastewater data, jurisdiction health departments will work with participating utilities to obtain spatial files of the utility service areas, also called a sewershed. These sewershed spatial files will be uploaded by jurisdiction health departments into the NWSS DCIPHER platform. Finally, health department jurisdictions using the sewershed spatial files will develop a line list of COVID–19 cases who reside within the participating wastewater utility service areas. The health department jurisdiction will submit to CDC, the line list of COVID–19 cases using a CSV bulk upload template into the DCIPHER NWSS platform.

The proposed data collection will occur over three years. The data collection involves three data components: (1) SARS–CoV–2 wastewater data, (2) spatial files of the wastewater utility service area (referred to as sewersheds), and (3) COVID–19 sewershed case data. Based on pilot data collection, it is expected that 64,480 wastewater samples, 620 spatial files, and 1,550,000 COVID–19 sewershed cases will be collected and reported to NWSS each year. This will lead to a total annual burden of 238,089 hours (107,682 hours for wastewater data, 1,240 hours for spatial files, and 129,167 hours for COVID–19 sewershed case data). There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State, tribal, local, territorial health department staff.	National Wastewater Surveillance System: SARS–CoV–2 wastewater data collection.	64,480	2,080	100/60	107,682
State, tribal, local, territorial health department staff; Wastewater utility staff.	No form; provision of sewershed spatial files.	620	20	2	1,240
State, tribal, local, territorial health department staff.	National Wastewater Surveillance System: COVID–19 sewershed case data collection.	1,550,000	50,000	5/60	129,167
Total					238,089

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–19160 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21HU; Docket No. CDC–2021–0093]

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 HIV Prevention Capacity Development Needs Assessments of Federally funded Health Departments and Community-Based Organizations. This data collection seeks to understand the training and technical assistance needs of federally funded health departments and community-based organizations by improving the performance of the HIV prevention workforce.

DATES: CDC must receive written comments on or before November 8, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0093 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

HIV Prevention Capacity Development Needs Assessments of Federally funded Health Departments and Community-Based Organizations—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2019, the President announced a federal effort to end the HIV epidemic in the U.S. by 2030. To achieve the Ending the HIV Epidemic in the U.S. (EHE) initiative's goal, (*i.e.,* reducing new HIV infections by 90%), the HIV workforce must have the skills and knowledge to implement HIV prevention programs and surveillance activities as quickly and efficiently as possible. As such, the trainings and technical assistance (TA) activities that build the skills and knowledge of the HIV workforce will need to take place in a timely and efficient manner. This data collection request will improve both timeliness and efficiency in meeting directly funded agencies' needs. The information collected from the needs assessments proposed in this study will be used by CDC staff to determine the training and TA needs of health departments and community-based organizations funded by CDC to conduct HIV prevention and surveillance activities. One representative from each funded agency will be asked to voluntarily complete the needs assessment on behalf of their agency. Training and TA needs data will be collected during a specific three- to four-week period, and only one response per agency is being requested. The collection of this information will be used to improve on past performance whereby funded agencies needs were assessed, and addressed, agency by agency, over an extended period of time, resulting in needs being met inefficiently.

The training and TA needs assessment data will be collected through an online survey. The survey will be completed through an existing system, the Capacity Building Assistance (CBA) Tracking System (CTS). CTS is the system through which CDC funded agencies currently request trainings and TA activities. As such, directly funded agencies have been trained, and are familiar with the system in terms of how to access and navigate the system, which should help reduce their burden in providing CDC the requested information, as they are already familiar with CTS. In addition, CTS will automate reporting of the data collected. Automation of the data reporting will allow the CDC to aggregate responses across agencies efficiently.

Training and TA needs assessment data will be directly reported to the CDC. CDC staff will combine agency responses to determine how many funded agencies need specific trainings and specific TA activities. Combining the agencies data will allow the CDC to meet the reported needs in a more timely and efficient manner. Understanding how many agencies need specific trainings and TA activities will allow the CDC to host fewer trainings and TA activities across agencies, given the CDC will understand the needs at the same time, and can coordinate trainings and TA activities as a result of this data collection. In addition, the CDC will also be able to prioritize the most requested trainings and TA activities so they can offer the most requested training and TA activity first, moving from most requested to least requested.

The data collected will be stored behind the CDC's firewall, and any private information collected, such as the name of the respondent, the name of the agency they work for, and their professional contact information will be provided only to the agencies that conduct training and TA on behalf of the CDC, and in accordance with the data privacy rules these agencies operate. CDC requests OMB approval for an estimated 51 annual burden hours. There are no other costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondent type	Form name	Number of participants	Number of responses per participant	Average burden per response (in hours)	Total burden (in hours)
Community-based Organization Representatives-Adults.	Community-based Organization Needs Assessment.	130	1	15/60	33
Health Department Representatives-Adults.	Health Department Needs Assessment.	70	1	15/60	18
Total					51

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–19161 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0094; NIOSH 248–H]

World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following virtual meeting for the World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC). A notice of this WTCHP STAC meeting has also been posted on the committee website at: *https://www.cdc.gov/wtc/stac_meeting.html.*

DATES: The meeting will be held on September 28, 2021 from 11:00 a.m. to 4:00 p.m., EDT, and on September 29, 2021 from 11:00 a.m. to 4:00 p.m., EDT.

Written comments received by September 21, 2021 will be provided to the STAC prior to the meeting.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0094; NIOSH 248–H by mail. CDC does not accept comments by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket number CDC–2021–0094; NIOSH 248–H, c/o Sherri Diana, NIOSH Docket Office, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226.

Instructions: All submissions received must include the Agency name and Docket Number. Written public comments received by September 21, 2021, will be provided to the WTCHP STAC prior to the meeting. Docket number CDC–2021–0094; NIOSH 248–H will close September 29, 2021.

FOR FURTHER INFORMATION CONTACT: Tania Carreón-Valencia, Ph.D., Designated Federal Officer, World Trade Center Health Program, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, NE, MS R–12, Atlanta, GA 30329–4027, Telephone: (513) 841–4515; Email: *wtc-stac@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The WTCHP STAC was established by Title I of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (January 2, 2011), amended by Public Law 114–113 (Dec. 18, 2015) and Public Law 116–59 (Sept. 27, 2019), adding Title XXXIII to the Public Health Service (PHS) Act (codified at 42 U.S.C. 300mm to 300mm-61).

Purpose: The purpose of the WTCHP STAC is to review scientific and medical evidence and to make recommendations to the Administrator of the World Trade Center (WTC) Health Program regarding additional WTC Health Program eligibility criteria, potential additions to the List of WTC-Related Health Conditions, and research regarding certain health conditions related to the September 11, 2001, terrorist attacks.

Title XXXIII of the PHS Act established the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001 or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors). Certain specific activities of the Administrator of the WTC Health Program are reserved to the Secretary, HHS, to delegate at his discretion; other duties not explicitly reserved to the Secretary, HHS, are assigned to the Director of the National Institute for Occupational Safety and Health (NIOSH). The administration of the WTCHP STAC is left to the Director of NIOSH in his role as Administrator. CDC and NIOSH provide funding, staffing, and administrative support services for the WTCHP STAC. The charter was reissued on May 12, 2021 and will expire on May 12, 2023.

Matters to be Considered: The agenda will include an overview of the Program's research activities in the past 10 years and discussion of the Administrator's request that the STAC provide a recommendation regarding whether to add uterine cancer to the List of health conditions eligible for coverage by the WTC Health Program. A white paper on scientific considerations developed to assist the Committee in their deliberations is available on the WTC Health Program website at *https://www.cdc.gov/wtc/stac_meeting.html.* An agenda is also posted on the WTC Health Program website at *https://www.cdc.gov/wtc/stac_meeting.html.*

Agenda items are subject to change as priorities dictate. *Meeting Information:* This is a virtual meeting conducted via Zoom. The public is welcome to follow the proceedings via live webcast on the World Wide Web. No registration is required. The webcast link for September 28–29, 2021 is *https://www.ustream.tv/channel/QyXBRzYjVCS. For additional information please visit* the WTC Health Program website at *https://www.cdc.gov/wtc/stac_meeting.html.*

Public Participation

Interested parties may participate in this activity by submitting written views, opinions, recommendations, and

data. You may submit comments on any topic related to this activity. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket. CDC does not accept comment by email.

Oral Public Comment: The public is welcome to participate, via Zoom, during the public comment periods on September 28, 2021, from 11:30 a.m. to 12:00 p.m., EDT, and on September 29, 2021, from 12:10 p.m. to 12:40 p.m., EDT. Please note that the public comment periods end at the times indicated above. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come-first served basis. Members of the public who wish to address the WTCHP STAC during the oral public comment sessions must sign up by providing their name and desired date for commenting to Mia Wallace, Committee Management Specialist, via email: *MWallace@cdc.gov,* or the addresses section provided in this notice by September 21, 2021.

Written Public Comment: Written comments will also be accepted from those unable to attend the public session per the instructions provided in the addresses section above. Written comments received in advance of the meeting will be included in the official record of the meeting. Written comments received by September 21, 2021 will be provided to the STAC prior to the meeting. The docket will close on September 29, 2021.

Policy on Redaction of Committee Meeting Transcripts (Public Comment): Transcripts will be prepared and posted to *http://www.regulations.gov* within 60 days after the meeting. If a person making a comment gives their name, no attempt will be made to redact that name. NIOSH will take reasonable steps to ensure that individuals making public comments are aware that their comments (including their name, if provided) will appear in a transcript of the meeting posted on a public website. Such reasonable steps include a statement read at the start of the meeting stating that transcripts will be posted, and names of speakers will not be redacted. If individuals in making a statement reveal personal information (*e.g.,* medical information) about themselves, that information will not usually be redacted. The CDC Freedom of Information Act coordinator will, however, review such revelations in accordance with the Freedom of Information Act and, if deemed appropriate, will redact such information. Disclosures of information concerning third party medical information will be redacted.

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. 2021–19224 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Membership on the Lead Exposure and Prevention Advisory Committee (LEPAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is soliciting nominations for membership on the LEPAC. The LEPAC is composed of 15 members that are Federal and non-Federal experts in fields associated with lead screening, the prevention of lead exposure, and services for individuals and communities affected by lead exposure. Nominations are being sought for individuals with expertise in the fields of epidemiology, toxicology, mental health, pediatrics, early childhood education, special education, diet and nutrition, and environmental health. Members may be invited to serve for three-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of LEPAC objectives.

DATES: Nominations for membership on the LEPAC must be received no later than November 1, 2021. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed to *LEPAC@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Allwood, Ph.D., M.P.H., Designated Federal Officer, National Center for Environmental Health, CDC, 4770 Buford Highway NE, Atlanta, GA 30329–4018, Telephone: (770) 488–6774, *PAllwood@cdc.gov.*

SUPPLEMENTARY INFORMATION: The members of this committee are selected by the Secretary of the U.S. Department of Health and Human Services (HHS). The committee's objective is to advise the Secretary, HHS and the Director, Centers for Disease Control and Prevention/Administrator, Agency for Toxic Substances and Disease Registry on a range of activities to include: (1) Review of Federal programs and services available to individuals and communities exposed to lead; (2) review of the current research on lead exposure to identify additional research needs;(3) review of and identification of best practices, or the need for best practices regarding lead screening and the prevention of lead exposure; (4) identification of effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in Public Law 114–322 Section 2203(b) (42 U.S.C. 300j-27); and (5) undertaking of any other review or activities that the Secretary determines to be appropriate.

Annually as determined necessary by the Secretary or as required by Congress, the committee shall submit a report to include: (1) An evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead; (2) an evaluation of additional lead exposure research needs; (3) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead exposure; (4) input and recommendations for improved access to effective services relating to health care, education, or nutrition for individuals and communities impacted by lead exposure; and (5) any other recommendations for communities

affected by lead exposure, as appropriate.

At least half of the committee will consist of Federal representatives from a range of agencies that may include the Department of Housing and Urban Development; the Environmental Protection Agency; the Consumer Product Safety Commission; the Centers for Medicare and Medicaid Services; the Health Resources and Services Administration; the Food and Drug Administration; the U.S. Department of Agriculture; the Occupational Safety and Health Administration; the National Institute of Environmental Health Sciences; the U.S. Geological Survey; and such additional federal, state, tribal, and local public and private officials as the Secretary deems necessary for the committee to carry out its function. The rest of the committee will consist of non-Federal members. Only non-Federal members are being solicited with this announcement.

The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. 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.

Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for LEPAC membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- 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.)

Nominations may be submitted by the candidate him- or herself or by the person/organization recommending the candidate.

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. 2021–19222 Filed 9–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0929]

Food and Drug Administration New Era of Smarter Food Safety Summit on E-Commerce; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing a virtual public meeting entitled ''FDA New Era of Smarter Food Safety Summit on E-Commerce: Ensuring the Safety of Foods Ordered Online and Delivered Directly to Consumers.'' The purpose of the public meeting is to engage with stakeholders and invite input on various topics pertaining to the implementation of Core Element 3.1 of the New Era of Smarter Food Safety Blueprint. We intend to use information resulting from the public meeting to determine what action(s), if any, should be taken to help ensure the safe production and delivery of human and animal foods sold through new e-commerce business models.

DATES: The public meeting will be held over 3 days on October 19, 2021, from 11:30 a.m. to 5:30 p.m. Eastern Time; October 20, 2021, from 11:30 a.m. to 5:15 p.m. Eastern Time, and October 21, 2021, from 11:30 a.m. to 3:45 p.m. Eastern Time. Submit either electronic or written comments on this public meeting by November 20, 2021. See ''Participating in the Public Meeting'' in the **SUPPLEMENTARY INFORMATION** section of this document for registration and other information regarding meeting participation.

ADDRESSES: The public meeting will be held virtually. For more information on the public meeting, see: *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/new-era-smarter-food-safety-summit-e-commerce-ensuring-safety-foods-ordered-online-and-delivered.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 20, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 20, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0929 for ''FDA New Era of Smarter Food Safety Summit on E-Commerce.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Juanita Yates, Center for Food Safety and Applied Nutrition, (HFS–009), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1731, *juanita.yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In April 2019, we announced the New Era of Smarter Food Safety initiative and in July 2020, we released the New Era of Smarter Food Safety Blueprint (see *https://www.fda.gov/food/new-era-smarter-food-safety/new-era-smarter-food-safety-blueprint*) (Blueprint). The Blueprint outlines the effort to modernize approaches to food safety as we respond to unique demands on our food system and work to ensure the safety and security of our food supply. This virtual public meeting (Summit) will focus on Core Element 3.1: Ensure Safety of Food Produced or Delivered Using New Business Models. Specifically, we invite discussion and input on human and animal foods sold through Business to Consumer (B2C) e-commerce. B2C e-commerce is the manufacturing, packaging, labeling, storage, and delivery of human and animal foods sold directly to consumers, through commercial transactions conducted electronically on the internet.

The Summit is an opportunity for us to share our current understanding of human and animal foods sold through new business models and hear from the public. The Summit will enhance our knowledge of possible food safety risks related to these new business models and help us identify what additional courses of action, if any, are needed to address potential food safety vulnerabilities.

We invite industry, consumers, consumer and public health organizations, academia, Federal, State, local, and tribal governments, foreign governments, and other interested parties to join the discussion and provide their perspectives on these issues.

II. Topics for Discussion at the Public Meeting

The Summit will address a variety of topics related to human and animal foods sold through B2C e-commerce, including:

• Types of B2C e-commerce models (*e.g.,* produce and meal kit subscription services, ghost kitchens, dark stores);

• Safety risks associated with foods sold through B2C e-commerce;

• Standards of care used by industry to control these safety risks;

• Types of delivery models (*e.g.,* third-party delivery, autonomous delivery models);

• Regulatory approaches to food sold through B2C e-commerce, including challenges and gaps that need to be addressed; and

• Labeling of foods sold through B2C e-commerce.

During the Summit, experts from FDA, industry, academia, consumer and public health organizations, domestic and foreign governments will be asked to address these topics. Each day, there will also be an opportunity for registered participants to ask questions and engage with these experts, as well as to offer open public comment for those who select this option when registering (see Part III, ''Participating in the Public Meeting'').

Before the meeting date, we will post the agenda and additional background materials on the internet at: *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/new-era-smarter-food-safety-summit-e-commerce-ensuring-safety-foods-ordered-online-and-delivered.* Registered participants will be notified when these materials are posted. There will be an opportunity for interested stakeholders to submit written comments following the meeting.

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following website to register: *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/new-era-smarter-food-safety-summit-e-commerce-ensuring-safety-foods-ordered-online-and-delivered.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

This is a virtual public meeting. Registration is free and will be open through the day of the meeting. Persons interested in attending this public meeting must register at: *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/new-era-smarter-food-safety-summit-e-commerce-ensuring-safety-foods-ordered-online-and-delivered.* Upon registering, they will receive a confirmation email with a link for the public meeting. Approximately

24 to 48 hours before the event, registrants will receive an email with the meeting link and a formal calendar invitation.

Request to Provide Open Public Comment: During online registration, you may indicate if you wish to make open public comments during the public meeting and which topic(s) you would like to address. All requests to make public comments must be received by October 8, 2021 at 11:59 p.m. Eastern Time. We will do our best to accommodate requests to make public comments. We are seeking to have a broad representation of ideas and issues presented at the meeting. Individuals and organizations with common interests are urged to consolidate or coordinate their comments. FDA will determine the amount of time allotted to each commenter, the meeting day, the approximate time open public comments are to be provided and notify all registrants who requested to make public comments.

Streaming Webcast of the Public Meeting: This public meeting will be broadcast via YouTube.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20850. A link to the transcript will also be available on the internet at: *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/new-era-smarter-food-safety-summit-e-commerce-ensuring-safety-foods-ordered-online-and-delivered.*

Dated: August 31, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–19219 Filed 9–3–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1529]

Agency Information Collection Activities; Proposed Collection; Comment Request; Reclassification Petitions for Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with reclassification of medical devices.

DATES: Submit either electronic or written comments on the collection of information by November 8, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 8, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 8, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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–2013–N–1529 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Reclassification Petitions for Medical Devices.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the

heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Reclassification Petitions for Medical Devices

OMB Control Number 0910–0138—Extension

The Federal Food, Drug, and Cosmetic Act (FD&C Act) establishes the following three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: Class I (general controls), class II (special controls), and class III (premarket approval) (section 513(a)(1) of the FD&C Act (21 U.S.C. 360c(a)(1)). To change a device classification, FDA can initiate a reclassification, or an interested person can petition FDA to reclassify a device based on new information (section 513(e) of the FD&C Act). On July 9, 2012, the Food and Drug Administration Safety and Innovation Act (FDASIA) was enacted, changing the reclassification process under section 513(e) of the FD&C Act from rulemaking to an administrative order process. To reclassify a device under section 513(e) of the FD&C Act, FDA must do the following before making the reclassification final: (1) Publish a proposed order in the **Federal Register** which includes the proposed reclassification and a summary of the valid scientific evidence that supports the reclassification, (2) convene a device classification panel meeting, and (3) consider comments from the relevant public docket.

FDASIA also amended the provisions of the FD&C Act authorizing FDA to require submission of a premarket approval application (PMA) for a preamendments class III device (referred to as a ''call for PMAs''). Preamendments devices are devices that were in commercial distribution before the enactment of the 1976 Amendments. Under the FD&C Act, preamendments devices classified into class III may be marketed upon clearance of a 510(k) submission, and submission of a PMA is not required until FDA has issued a final order requiring premarket approval (section 515(b) of the FD&C Act (21 U.S.C. 360e(b)). As amended by FDASIA, the FD&C Act requires that FDA, in its call for PMAs, publish a proposed order in the **Federal Register**, hold a classification panel meeting, and consider comments on the proposed order (section 515(b) of the FD&C Act, as amended by FDASIA).

Under the FD&C Act, FDA's call for PMAs must, among other things, contain an opportunity for interested persons to request a change in the classification of the device based on new information (section 515(b)(2) of the FD&C Act). After consideration of comments on the proposed order and findings, FDA must either: (1) Finalize the call for PMAs by issuing an administrative order requiring approval of a PMA and publishing in the **Federal Register** findings with respect to: (i) The degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to have an approved PMA or a declared completed product development protocol and (ii) the benefit to the public from the use of the device; or (2) publish a notice in the **Federal Register** terminating the proceeding and initiate a reclassification proceeding based on new information (section 515(b)(3) of the FD&C Act, as amended by FDASIA; see section 513(e) of the FD&C Act).

The FD&C Act, as amended by FDASIA, now requires the use of administrative orders, rather than rulemaking, when FDA calls for PMAs for a preamendments device remaining in class III (section 515(b) of the FD&C Act, as amended by FDASIA).

FDA refers to a device that was not in commercial distribution before the 1976 Amendments as a postamendments device. Postamendments devices are classified automatically into class III by statute, without any rulemaking process (section 513(f)(1) of the FD&C Act). A postamendments device remains in class III and is subject to the PMA requirements unless and until: (1) FDA reclassifies the device into class I or II; (2) FDA issues an order classifying the device into class I or II via the De Novo classification process (see section 513(f)(2) of the FD&C Act); or (3) FDA issues an order finding the device to be substantially equivalent to a predicate device that does not require the filing of a PMA (see section 513(i) of the FD&C Act).

FDA may initiate, or the manufacturer or importer of a device may petition for, the reclassification of a postamendments device classified into class III by operation of law (section 513(f)(3) of the FD&C Act). This FDA-initiated reclassification process consists of a proposed reclassification order, optional panel consultation, and a final reclassification order published in the **Federal Register** following consideration of comments and any panel recommendations or comments (§ 860.134(c) (21 CFR 860.134(c))). The reclassification order may, as appropriate, establish special controls to provide reasonable assurance of the safety and effectiveness of the device (§ 860.134(d)).

Under the 1976 Amendments, Congress classified all those devices previously regulated as new drugs into class III (generally referred to as transitional devices). Under the FD&C Act, FDA may initiate, or the manufacturer or importer of a device may petition for, the reclassification of a transitional device remaining in class III (section 520(l)(2) of the FD&C Act (21 U.S.C. 360j(l)(2)). The process for reclassification of transitional devices initiated by FDA is detailed in 21 CFR 860.136(c). This process consists of a proposed reclassification order, optional panel consultation, and a final

reclassification order published in the **Federal Register** following consideration of comments and any panel recommendations or comments.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; information collection activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
§ 860.123; supporting data for reclassification petitions	6	1	6	497	2,982

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: August 31, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–19221 Filed 9–3–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0944]

Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice entitled ''Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' The document announced a meeting of the Pediatric Advisory Committee. The document was published with the incorrect docket number and end time of the meeting. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Marieann Brill, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993, 240–402–3838, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Tuesday, August 10, 2021, in FR Doc. 2021–16984 (86 FR 43666), the following corrections are made.

1. On page 43666, in the first column, in the header of the document, and in the third column under ''Instructions,'' ''Docket No. FDA–2020–N–1648N'' is changed to ''Docket No. FDA–2021–N–0944''.

2. On page 43666, in the first column, the DATES portion of the document is changed to: ''The meeting will be held on September 17, 2021, from 10 a.m. to 3 p.m. Eastern Time.''

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to the advisory committees.

Dated: August 31, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–19216 Filed 9–3–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0918]

Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling Requirements for Prescription Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with labeling requirements for prescription drugs.

DATES: Submit either electronic or written comments on the collection of information by November 8, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 8, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 8, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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 Docket No. FDA–2021–N–0918 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling Requirements for Prescription Drugs and Biological Products.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Labeling Requirements for Prescription Drugs

OMB Control Number 0910–0572—Revision

This information collection supports FDA regulations governing the labeling of prescription drugs. The regulations are codified in 21 CFR part 201, subpart B (21 CFR 201.50 through 201.58) and set forth both general requirements, as well as specific content and format requirements. The regulations also provide for requesting a waiver from any labeling requirement and do not apply to biological products that are subject to the requirements of section 351 of the Public Health Service Act.

We are revising the information collection to include burden associated with regulations applicable to medical gas labeling found in § 201.328 (21 CFR 201.328) and established by a final rule in the **Federal Register** of November 18, 2016 (81 FR 81685 at 81694). While we included corresponding changes and adjustments resulting from the final rule to the information collection approved under OMB control number 0910–0139 as it pertains to good manufacturing practice requirements and regulations in part 211 (21 CFR part 211), we did not make corresponding changes and adjustments to this information collection with regard to burden that may be associated with labeling requirements found in § 201.328 (81 FR 81685 at 81694).

To assist respondents with the information collection we continue to develop and issue guidance documents, available from our searchable guidance database at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* All Agency guidance documents are issued consistent with our good guidance practice regulations found in 21 CFR 10.115, which provide for public comment at any time.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Labeling requirements for prescription drugs; §§ 201.56 and 201.57.	414	1.326	549	3,349	1,838,601
Labeling of medical gas containers; § 201.328	260	1,663	432,380	0.17 (10 minutes)	43,238

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Activity/21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Total			432,929		1,881,839

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

New drug product and biological product applicants must: (1) Design and create prescription drug labeling containing ''Highlights,'' ''Contents,'' and ''Full Prescribing Information''; (2) test the designed labeling (for example, to ensure that the designed labeling fits into carton-enclosed products); and (3) submit it to FDA for approval. Based on our experience with the information collection, we estimate 414 applicants will prepare an average of 549 prescription drug labels and assume it will require 3,349 hours to design, test, and submit to FDA as part of a new drug application or a biologics license application. Similarly, new medical gas containers must meet applicable requirements found in part 211, as well as specific labeling requirements in § 201.328. We estimate that 260 respondents will incur burden for the design, testing, production, and submission of labeling for new medical gas containers as required under § 201.328 and assume an average of 10 minutes (0.17) is required for these activities.

Our estimated burden for the information collection reflects an overall increase resulting from an increase in submissions for new product labeling as well as from the revision to include burden associated with requirements in § 201.328.

Dated: August 31, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–19218 Filed 9–3–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0965]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products 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. FDA is establishing a docket for public comment on this document.

Consistent with FDA's regulations, this notice is being published with less than 15 days prior to the date of the meeting based on a determination that convening a meeting of the Vaccines and Related Biological Products Advisory Committee as soon as possible is warranted. This **Federal Register** notice could not be published 15 days prior to the date of the meeting due to a recent submission of a request to supplement the approved Biologics License Application for COMIRNATY for administration of a third dose, or ''booster'' dose, of the COVID–19 vaccine, in individuals 16 years of age and older and the need for prompt discussion of such submission given the COVID–19 pandemic.

DATES: The meeting will be held on September 17, 2021, from 8:30 a.m. to 3:45 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. The online web conference meeting will be available at the following link on the day of the meeting: *https://youtu.be/WFph7-6t34M.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0965. The docket will close on September 16, 2021. Submit either electronic or written comments on this public meeting by September 16, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 16, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 16, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before September 13, 2021, will be provided to the committee. Comments received after September 13, 2021, and by September 16, 2021, will be taken into consideration by FDA. In the event that the meeting is canceled, FDA will continue to evaluate any relevant applications, submissions, or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management

Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0965 for ''Vaccines and Related Biological Products; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Prabhakara Atreya or Kathleen Hayes, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6306, Silver Spring, MD 20993–0002, 240–818–7798, via email at *CBERVRBPAC@fda.hhs.gov*; or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/advisory-committees* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before joining the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will meet in open session to discuss the Pfizer-BioNTech supplemental Biologics License Application for COMIRNATY for administration of a third dose, or ''booster'' dose, of the COVID–19 vaccine, in individuals 16 years of age and older.

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, 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/advisory-committees/advisory-committee-calendar.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before September 13, 2021, will be provided to the committee. Comments received after September 13, 2021, and by September 16, 2021, will be taken into consideration by FDA. Oral presentations from the public will be scheduled between approximately 12:30 p.m. Eastern Time and 1:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 13, 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 September 14, 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 Prabhakara Atreya or Kathleen Hayes (*CBERVRBPAC@fda.hhs.gov*) 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/advisory-committees/about-advisory-committees/public-conduct-during-fda-advisory-committee-meetings* 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: September 2, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–19394 Filed 9–2–21; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: DoNation General Workplace Campaign Scorecard, 0906–XXXX—New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for the opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than November 8, 2021.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: DoNation General Workplace Campaign Scorecard, OMB No. 0906–XXXX—New.

Abstract: HRSA's DoNation General Workplace Campaign for Organ Donation will enlist the help of America's workplaces to increase the number of registered organ, eye, and tissue donors by hosting awareness, education, outreach, and donor registration events in their companies, workplaces, and communities. This campaign would be in addition to HRSA's Hospital Campaign, which encourages America's medical facilities and hospitals to promote organ, eye, and tissue donor registrations. A scorecard identifies activities that participants can implement and assigns points to each activity. Participants that earn a certain number of points annually will be recognized by HHS/HRSA and other national organizations that support the campaign's mission. HRSA intends to create an electronic version of the scorecard that will be user-friendly and will collect information from America's workplaces regarding their donor registration and outreach activities. The scorecard will provide HRSA with data throughout the campaign year.

Need and Proposed Use of the Information: There is a substantial imbalance in the U.S. between the number of people whose life depends on an organ transplant (approximately 107,000 people on the national transplant waiting list) and the annual number of organ transplants (approximately 39,000 living and deceased donors in 2020). In response to the need for more organ donors, HRSA conducts public outreach initiatives to encourage the American public to enroll in their state donor registry as future organ, eye, and tissue donors.

The scorecard motivates and facilitates participation in the campaign, provides the basis for rewarding participants for their accomplishments, and enables HRSA to measure and evaluate the campaign process and outcome. The scorecard also enables HRSA to make data-based decisions and improvements for subsequent campaigns.

Likely Respondents: Community development and public relations staff of organ procurement and other donation organizations, general workplace staff and/or leadership, such as human resources or public relations/communications professionals and other staff members, and/or volunteers who work with workplaces and organizations on organ donation initiatives.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Activity Scorecard (online)	150	1	150	.25	37.5
Total	150		150		37.5

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–19313 Filed 9–3–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the COVID–19 Health Equity Task Force

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the COVID–19 Health Equity Task Force (Task Force) will hold a virtual meeting on September 30, 2021. The purpose of this meeting is to present and vote on the final recommendations for mitigating inequities caused or exacerbated by the COVID–19 pandemic and for preventing such inequities in the future. This meeting is open to the public and will be live-streamed at *www.hhs.gov/live.* Information about the meeting will be posted on the HHS Office of Minority Health website: *www.minorityhealth.hhs.gov/healthequitytaskforce/* prior to the meeting.

DATES: The Task Force meeting will be held on Thursday, September 30, 2021, from 2 p.m. to approximately 6 p.m. ET (date and time are tentative and subject to change). The confirmed time and agenda will be posted on the COVID–19 Health Equity Task Force web page: *www.minorityhealth.hhs.gov/healthequitytaskforce/* when this information becomes available.

FOR FURTHER INFORMATION CONTACT: Samuel Wu, Designated Federal Officer for the Task Force; Office of Minority Health, Department of Health and Human Services, Tower Building, 1101 Wootton Parkway, Suite 100, Rockville, Maryland 20852. Phone: 240–453–6173; email: *COVID19HETF@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background: The COVID–19 Health Equity Task Force (Task Force) was established by Executive Order 13995, dated January 21, 2021. The Task Force is tasked with providing specific recommendations to the President, through the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), for mitigating the health inequities caused or exacerbated by the COVID–19 pandemic and for preventing such inequities in the future. The Task Force shall submit a final report to the COVID–19 Response Coordinator addressing any ongoing health inequities faced by COVID–19 survivors that may merit a public health response, describing the factors that contributed to disparities in COVID–19 outcomes, and recommending actions to combat such disparities in future pandemic responses.

The meeting is open to the public and will be live-streamed at *www.hhs.gov/live.* No registration is required. A public comment session will be held during the meeting. Pre-registration is required to provide public comment during the meeting. To pre-register, please send an email to *COVID19HETF@hhs.gov* and include your name, title, and organization by close of business on Friday, September 24, 2021. Comments will be limited to no more than three minutes per speaker and should be pertinent to the meeting discussion. Individuals are encouraged to provide a written statement of any public comment(s) for accurate minute-taking purposes. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing *COVID19HETF@hhs.gov* no later than close of business on Thursday, October 7, 2021. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact: *COVID19HETF@hhs.gov* and reference this meeting. Requests for special accommodations should be made at least 10 business days prior to the meeting.

Dated: September 1, 2021.

Samuel Wu,

Designated Federal Officer, COVID–19 Health Equity Task Force.

[FR Doc. 2021–19322 Filed 9–3–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Study Section.

Date: October 22, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137D, Bethesda, MD 20892 (Video-Assisted Meeting).

Contact Person: Helen Huang, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137D, Bethesda, MD 20892, (301) 435–8207, *helen.huang@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 2, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19354 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Neurogenesis and Cell Fate Study Section.

Date: October 6–7, 2021.

Time: 11:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joanne T. Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group Nuclear and Cytoplasmic Structure/Function and Dynamics Study Section.

Date: October 7–8, 2021.

Time: 11:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–3717, *jessica.smith6@nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group Neurobiology of Pain and Itch Study Section.

Date: October 12–13, 2021.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov*.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group Tumor Progression and Metastasis Study Section.

Date: October 13–14, 2021.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718 *jakobir@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 31, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19153 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 NCBIB Review B–SEP.

Date: October 26–28, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 957, Bethesda, MD 20892, (301) 496–4773, *zhour@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: August 31, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19155 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; The Genetic Testing Registry

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH), Office of the Director (OD) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Taunton Paine, Director, Division of Scientific Data Sharing Policy, Office of Science Policy, NIH, 6705 Rockledge Dr., Suite 631, Bethesda, MD 20892, or call non-toll free number (301) 496–9838, or Email your request, including your address to: *SciencePolicy@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: The Genetic Testing Registry, 0925–0651, Expiration Date 11/30/21—EXTENSION, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: Clinical laboratory tests are available for more than 18,000 genetic conditions. The Genetic Testing Registry (GTR) provides a centralized, online location for test developers, manufacturers, and researchers to

voluntarily submit detailed information about the availability and scientific basis of their genetic tests. The GTR is of value to clinicians by providing information about the accuracy, validity, and usefulness of genetic tests. The GTR also highlights evidence gaps where additional research is needed. The GTR now also has tests for microbes like for SARS–CoV–2 to diagnose COVID–19.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2837.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
Laboratory Personnel Using Bulk Submission	Minimal Fields	11	16	18/60	53
	Optional Fields	250	16	17/60	1133
Laboratory Personnel Not Using Bulk Submission.	Minimal Fields	84	16	54/60	1210
	Optional Fields	57	16	29/60	441
Total		402	6432		2837

Dated: September 1, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–19384 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Catalyze: Product Definition.

Date: October 27, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Manoj Kumar Valiyaveettil, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–R, Bethesda, MD 20817, (301) 402–1616, *manoj.valiyaveettil@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: August 31, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19154 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Neurological, Aging and Musculoskeletal Epidemiology Study Section.

Date: October 6–7, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heidi B. Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–435–1721, *hfriedman@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Basic Mechanisms of Diabetes and Metabolism Study Section.

Date: October 7–8, 2021.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liliana Norma Berti-Mattera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 6158, MSC 7890, Bethesda, MD 20892, 301–827–7609, *liliana.berti-mattera@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

Date: October 13–15, 2021.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 451–0996, *ybi@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Kidney and Urological Systems Function and Dysfunction Study Section.

Date: October 14–15, 2021.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

Date: October 14–15, 2021,

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications,

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mohammad Samiul Alam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 809D, Bethesda, MD 20892, (301) 435–1199, *alammos@csr.nih.gov*.

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Vascular Inflammation Study Section.

Date: October 14–15, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, (301) 435–1206, *komissar@mail.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Nutrition and Metabolism in Health and Disease Study Section.

Date: October 14–15, 2021.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gregory S Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, Bethesda, MD 20892–7892, 301–755–4335, *greg.shelness@nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Data Management and Analysis Study Section.

Date: October 14–15, 2021.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chittari V. Shivakumar, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, *chittari.shivakumar@nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: October 14–15, 2021.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shivani Sharma, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240–507–7661, *shivani.sharma@nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.

Date: October 14–15, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451–4251, *Armaz.aschrafi@nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Probes and Contrast Agents Study Section.

Date: October 14–15, 2021.

Time: 10:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363, *wrightds@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 2, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19365 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Research Infrastructure for Interdisciplinary Aging Studies

Date: October 26, 2021.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Isis S. Mikhail, MD, MPH, DrPH, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 402–7704, *mikhaili@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 31, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19229 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meetings, Amended Notice of Meeting

Notice is hereby given of a change in the virtual meeting of the Biomedical Library, Informatics and Data Science Review Committee, November 4, 2021 9:00 a.m. to 6:00 p.m., which was published in the **Federal Register** on June 24, 2021, 86 FR 119, Page 33329.

This notice is being amended to change the meeting to November 4–5,

2021, times are from 10 a.m. to 4:30 p.m. on November 4th and 10 a.m. to 1:30 p.m. on November 5th. The meeting is closed to the public.

Dated: August 31, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19233 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel; Institutional Training Grants.

Date: September 24, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Nursing Research, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ming Yan, MD, Ph.D., Scientific Review Officer, Immunology (IMM), DPPS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, Bethesda, MD 20892, *yanming@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 2, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19364 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request: Federal COVID Response—Audience Feedback To Inform Ongoing Messaging and Strategies for "Combat COVID"

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH), Clinical Center (CC) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll free number (301) 435–0941 or Email your request, including your address to: *ProjectClearanceBranch@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Federal COVID Response—Audience Feedback to Inform Ongoing Messaging and Strategies for ''Combat COVID,'' OMB #0925–0769, exp.12/31/2021, EXTENSION, National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the information collection is to collect routine feedback from the Combat COVID Initiative's two target audiences (the general public and healthcare providers) to identify evolving needs and better disseminate relevant information as it relates to COVID–19 treatment and ACTIV clinical trial resources, specifically. Data collected will be used to inform the development and broad dissemination of Combat COVID resources, including new or enhanced message and material concepts (*e.g.,* social media ads, digital display ads, out-of-home ads), and/or web pages (*combatcovid.hhs.gov*). Because the COVID–19 treatment landscape continues to evolve, new evidence-based information continues to come to the forefront, and audience needs continue to change, it is critical for the Federal COVID Response (FCR) Team to collect quick audience feedback from the general public (especially from groups who have not historically been well-represented in clinical trials) and healthcare providers to identify these evolving needs. By understanding target audience needs, the FCR team will be able to properly develop and broadly disseminate relevant COVID–19 treatment and ACTIV clinical trial resources.

OMB approval is requested for 1 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 3,528.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Consumer Audience Feedback Team Screener	120	1	5/60	10
HCP Audience Feedback Team Screener	40	1	5/60	3

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Consumer Audience Feedback Activity	60	8	1	480
HCP Audience Feedback Activity	20	8	1	160
Benchmark & Follow-Up Web Surveys—Consumer Audience	2,000	5	15/60	2,500
Benchmark & Follow-Up Web Survey—HCP Audience	300	5	15/60	375
Total	2,540	12,300	.....	3,528

Dated: September 1, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–19383 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: High Throughput Screening.

Date: October 8, 2021.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 435–2344, *moscajos@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group Bioengineering, Technology and Surgical Sciences Study Section.

Date: October 12–13, 2021.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–2392, *masoodk@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Science of Implementation in Health and Healthcare Study Section.

Date: October 12–13, 2021.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Wenjuan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 480–8667, *wangw22@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.

Date: October 12–13, 2021.

Time: 10:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 408–9072, *jollieda@csr.nih.gov.*

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Vector Biology Study Section.

Date: October 12–13, 2021.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, (301) 402–5671, *zhengli@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: August 31, 2021

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19228 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; National Center for Advancing Translational Sciences Special Emphasis Panel.

Date: October 7, 2021.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nakia C. Brown, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda,

MD 20817, 301–827–4905, *brownnac@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 31, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–19152 Filed 9–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Lee (FEMA Docket No.: B–2136).	City of Auburn, (20–04–4301P).	The Honorable Ron Anders, Jr., Mayor, City of Auburn, 144 Tichenor Avenue, Suite 1, Auburn, AL 36830.	City Hall, 144 Tichenor Avenue, Auburn, AL 36830.	August 20, 2021	010144
Lee (FEMA Docket No.: B–2136).	City of Opelika, (20–04–2856P).	The Honorable Gary Fuller, Mayor, City of Opelika, P.O. Box 390, Opelika, AL 36803.	Public Works Department, 700 Fox Trail, Opelika, AL 36803.	August 20, 2021	010145
Lee (FEMA Docket No.: B–2136).	Unincorporated areas of Lee County, (20–04–4301P).	The Honorable Bill English, Chairman, Lee County Commission, P.O. Box 666, Opelika, AL 36803.	Lee County Building Inspections Department, 100 Orr Avenue, Opelika, AL 36804.	August 20, 2021	010250
Shelby (FEMA Docket No.: B–2136).	City of Helena, (21–04–0379P).	The Honorable J. Brian Puckett, Mayor, City of Helena, 846 Highway 52 East Helena, AL 35080.	City Hall, 816 Highway 52 East Helena, AL 35080.	August 23, 2021	010294
St. Clair, (FEMA Docket No.: B–2136).	City of Margaret, (20–04–4314P).	The Honorable Jeffery G. Wilson, Mayor, City of Margaret, P.O. Box 100, Margaret, AL 35953.	St. Clair County Flood Management Department,, 165 5th Avenue, Suite 100, Ashville, AL 35953.	August 20, 2021	010393
St. Clair, (FEMA Docket No.: B–2136).	Unincorporated areas of St. Clair County, (20–04–4314P).	The Honorable Paul Manning, Chairman, St. Clair County Commission, 165 5th Avenue, Suite 100, Ashville, AL 35953.	St. Clair County Flood Management Department,, 165 5th Avenue, Suite 100, Ashville, AL 35953.	August 20, 2021	010290

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado:					
Arapahoe, (FEMA Docket No.: B–2133).	City of Centennial, (20–08–0573P).	Mr. Matt Sturgeon, Manager, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	July 30, 2021	080315
Arapahoe, (FEMA Docket No.: B–2133).	Unincorporated areas of Arapahoe County, (20–08–0573P).	The Honorable Nancy Jackson, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	July 30, 2021	080011
Douglas, (FEMA Docket No.: B–2130).	Town of Castle Rock, (20–08–0649P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Stormwater Department, 175 Kellog Street, Castle Rock, CO 80109.	August 6, 2021	080050
Douglas, (FEMA Docket No.: B–2130).	Unincorporated areas of Douglas County, (20–08–0649P).	The Honorable Lora Thomas, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Department of Public Works, Engineering, 100 3rd Street, Castle Rock, CO 80104.	August 6, 2021	080049
Douglas, (FEMA Docket No.: B–2133).	Unincorporated areas of Douglas County, (21–08–0166P).	The Honorable Lora Thomas, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Department of Public Works Engineering, 100 3rd Street, Castle Rock, CO 80104.	July 30, 2021	080049
Eagle, (FEMA Docket No.: B–2141).	Town of Gypsum, (20–08–0718P).	The Honorable Steve Carver, Mayor, Town of Gypsum, P.O. Box 130, Gypsum, CO 81637.	Town Hall, 50 Lundgren Boulevard, Gypsum, CO 81637.	August 6, 2021	080002
Eagle, (FEMA Docket No.: B–2141).	Unincorporated areas of Eagle County, (20–08–0718P).	Mr. Jeff Shroll, Eagle County Manager, P.O. Box 850, Eagle, CO 81631.	Eagle County Engineering Department, 500 Broadway Street, Eagle, CO 81631.	August 6, 2021	080051
Jefferson, (FEMA Docket No.: B–2136).	City of Arvada, (20–08–0711P).	The Honorable Marc Williams, Mayor, City of Arvada, 8101 Ralston Road, Arvada, CO 80002.	Engineering Division, 8101 Ralston Road, Arvada, CO 80002.	August 13, 2021	085072
Connecticut: New London, (FEMA Docket No.: B–2136).	Town of Waterford, (20–01–1005P).	The Honorable Robert J. Brule, First Selectman, Town of Waterford Board of Selectmen, 15 Rope Ferry Road, Waterford, CT 06385.	Town Hall, 15 Rope Ferry Road, Waterford, CT 06385.	August 6, 2021	090107
Florida:					
Bay, (FEMA Docket No.: B–2133).	City of Lynn Haven, (20–04–2912P).	The Honorable Dan Russell, Mayor, City of Lynn Haven, 817 Ohio Avenue, Lynn Haven, FL 32444.	Development and Planning Department, 817 Ohio Avenue, Lynn Haven, FL 32444.	August 16, 2021	120009
Bay, (FEMA Docket No.: B–2133).	Unincorporated areas of Bay County, (20–04–2912P).	The Honorable Robert Carroll, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning Department, 840 West 11th Street, Panama City, FL 32401.	August 16, 2021	120004
Lee, (FEMA Docket No.: B–2133).	City of Bonita Springs, (21–04–1316P).	The Honorable Rick Steinmeyer, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	Community Development Department, 9220 Bonita Beach Road, Bonita Springs, FL 34135.	August 10, 2021	120680
Monroe, (FEMA Docket No.: B–2133).	Unincorporated areas of Monroe County, (21–04–1580P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33042.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	August 9, 2021	125129
Pinellas, (FEMA Docket No.: B–2136).	Town of Belleair, (21–04–0918P).	Mr. J. P. Murphy, Manager, Town of Belleair, 901 Ponce de Leon Boulevard, Belleair, FL 33756.	Building Department, 901 Ponce de Leon Boulevard, Belleair, FL 33756.	August 5, 2021	125088
Polk, (FEMA Docket No.: B–2130).	Unincorporated areas of Polk County, (20–04–2054P).	The Honorable Rick Wilson, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	August 5, 2021	120261
Volusia, (FEMA Docket No.: B–2133).	City of Port Orange, (20–04–5567P).	The Honorable Donald O. Burnette, Mayor, City of Port Orange, 1000 City Center Circle, Port Orange, FL 32129.	Community Development Department, 1000 City Center Circle, Port Orange, FL 32129.	August 13, 2021	120313
Volusia, (FEMA Docket No.: B–2133).	Unincorporated areas of Volusia County, (20–04–5567P).	Mr. George Recktenwald, Volusia County Manager, 123 West Indiana Avenue, Deland, FL 32720.	Volusia County Planning and Development Services Department, 123 West Indiana Avenue, Deland, FL 32720.	August 13, 2021	125155
Louisiana:					
St. Tammany, (FEMA Docket No.: B–2133).	City of Mandeville, (20–06–2506P).	The Honorable Clay Madden, Mayor, City of Mandeville, 3101 East Causeway Approach, Mandeville, LA 70448.	City Hall, 3101 East Causeway Approach, Mandeville, LA 70448.	August 11, 2021	220202
St. Tammany, (FEMA Docket No.: B–2133).	Unincorporated areas of St. Tammany Parish, (21–06–0797P).	The Honorable Michael B. Cooper, President, St. Tammany Parish, 21490 Koop Drive, Mandeville, LA 70471.	St. Tammany Parish Inspections and Enforcement Department, 21454 Koop Drive, Mandeville, LA 70471.	August 10, 2021	225205
South Carolina: Georgetown, (FEMA Docket No.: B–2130).	Unincorporated areas of Georgetown County, (21–04–0982P).	Ms. Angela Christian, Georgetown County Administrator, 716 Prince Street, Georgetown, SC 29440.	Georgetown County Building Department, 129 Screven Street, Georgetown, SC 29440.	August 5, 2021	450085
Tennessee:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Wilson, (FEMA Docket No.: B–2133).	City of Lebanon, (20–04–4425P).	The Honorable Rick Bell, Mayor, City of Lebanon, 106 North Castle Heights Avenue, Lebanon, TN 37087.	Engineering Department, 200 Castle Heights Avenue North, Lebanon, TN 37087.	July 28, 2021	470208
Wilson, (FEMA Docket No.: B–2133).	Unincorporated areas of Wilson County, (20–04–4425P).	The Honorable Randall Hutto, Mayor, Wilson County, 228 East Main Street, Room 104, Lebanon, TN 37087.	Wilson County Planning Department, 228 East Main Street, Room 5, Lebanon, TN 37087.	July 28, 2021	470207
Texas:					
Bexar, (FEMA Docket No.: B–2141).	Unincorporated areas of Bexar County, (20–06–3173P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	August 9, 2021	480035
Collin, (FEMA Docket No.: B–2141).	Unincorporated areas of Collin County, (20–06–3461P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	August 16, 2021	480130
Dallas, (FEMA Docket No.: B–2133).	City of Irving, (20–06–2875P).	The Honorable Rick Stopfer, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Engineering Department, 825 West Irving Boulevard, Irving, TX 75060.	August 2, 2021	480180
Denton and Tarrant, (FEMA Docket No.: B–2133).	City of Fort Worth, (21–06–0261P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	August 16, 2021	480596
Harris, (FEMA Docket No.: B–2133).	City of Houston, (20–06–2472P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	August 2, 2021	480296
Rockwall, (FEMA Docket No.: B–2136).	City of Royse City, (20–06–3180P).	The Honorable Clay Ellis, Mayor, City of Royse City, 305 North Arch Street, Royse City, TX 75189.	Engineering Department, 305 North Arch Street, Royse City, TX 75189.	August 13, 2021	480548
Tarrant, (FEMA Docket No.: B–2133).	City of Fort Worth, (21–06–0615P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 200 Texas Street, Fort Worth, TX 76102.	August 2, 2021	480596
Tarrant, (FEMA Docket No.: B–2133).	City of North Richland Hills, (21–06–0066P).	The Honorable Oscar Trevino, Jr., Mayor, City of North Richland Hills, 4301 City Point Drive, North Richland Hills, TX 76180.	City Hall, 4301 City Point Drive, North Richland Hills, TX 76180.	August 16, 2021	480607
Williamson, (FEMA Docket No.: B–2133).	City of Cedar Park, (21–06–0028P).	The Honorable Corbin Van Arsdale, Mayor, City of Cedar Park, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	Engineering Department, 450 Cypress Creek Road, Building 1, Cedar Park, X 78613.	July 30, 2021	481282
Virginia:					
Frederick, (FEMA Docket No.: B–2133).	City of Winchester, (21–03–0704X).	The Honorable John David Smith, Jr., Mayor, City of Winchester, 15 North Cameron Street, Winchester, VA 22601.	Engineering Division, 15 North Cameron Street, Winchester, VA 22601.	August 10, 2021	510173
Frederick, (FEMA Docket No.: B–2133).	Unincorporated areas of Frederick County, (21–03–0704X).	The Honorable Charles S. DeHaven, Jr., Chairman-at-Large, Frederick County Board of Supervisors, 107 North Kent Street, Winchester, VA 22601.	Frederick County Zoning Department, 107 North Kent Street, Suite 202, Winchester, VA 22601.	August 10, 2021	510063

[FR Doc. 2021–19210 Filed 9–3–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2134]

Proposed Flood Hazard Determinations for Daviess County, Kentucky and Incorporated Areas

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed notice concerning proposed flood hazard determinations, which may include the addition or modification of any Base Flood Elevation, base flood depth, Special Flood Hazard Area boundary or zone designation, or regulatory floodway (herein after referred to as proposed flood hazard determinations) on the Flood Insurance Rate Maps and, where applicable, in the supporting Flood Insurance Study reports for Daviess County, Kentucky and Incorporated Areas.

DATES: This withdrawal is effective September 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–2134, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;*

SUPPLEMENTARY INFORMATION: On May 24, 2021, FEMA published a proposed notice at 86 FR 27871, proposing flood hazard determinations for Daviess County, Kentucky and Incorporated Areas. FEMA is withdrawing the proposed notice.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2021–19212 Filed 9–3–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2162]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before December 6, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2162, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Cerro Gordo County, Iowa and Incorporated Areas Project: 19–07–0014S Preliminary Date: February 5, 2021	
City of Clear Lake	Public Works Office, 1419 2nd Avenue South, Clear Lake, IA 50428.
City of Mason City	City Hall, 10 1st Street Northwest, Mason City, IA 50401.
City of Ventura	City Hall, 101 Sena Street, Ventura, IA 50482.

Community	Community map repository address
Unincorporated Areas of Cerro Gordo County	Cerro Gordo County Courthouse, 220 North Washington Avenue, Mason City, IA 50401.

[FR Doc. 2021–19211 Filed 9–3–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

DATES: The date of December 16, 2021 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Shasta County, California and Incorporated Areas Docket No.: FEMA–B–2051	
Unincorporated Areas of Shasta County	Shasta County Resource Management & Public Works Building, 1855 Placer Street, Redding, CA 96001.
Coahoma County, Mississippi and Incorporated Areas Docket Nos.: FEMA–B–1946 and FEMA–B–2060	
City of Clarksdale	City Hall, City Clerk's Office, 121 Sunflower Avenue, Clarksdale, MS 38614.
Town of Friar's Point	Town Hall, 700 2nd Street, Friar's Point, MS 38631.
Unincorporated Areas of Coahoma County	Coahoma County Courthouse, 115 1st Street, Clarksdale, MS 38614.
Ocean County, New Jersey (All Jurisdictions) Docket No.: FEMA–B–1471	
Township of Stafford	Stafford Township Municipal Building, 260 East Bay Avenue, Manahawkin, NJ 08050.
Horry County, South Carolina and Incorporated Areas Docket No.: FEMA–B–1550 and FEMA–B–2017	
City of Conway	Building Department, 206 Laurel Street, Conway, SC 29526.
City of Loris	City Hall, 4101 Walnut Street, Loris, SC 29569.
City of Myrtle Beach	City Services Building, 921 North Oak Street, Myrtle Beach, SC 29577.

Community	Community map repository address
City of North Myrtle Beach	City Hall, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.
Town of Atlantic Beach	Town Hall, 717 30th Avenue South, Atlantic Beach, SC 29582.
Town of Briarcliffe Acres	Horry County Government Center, 1301 2nd Avenue, Conway, SC 29526.
Town of Surfside Beach	Planning, Building, and Zoning Department, 115 Highway 17 North, Surfside Beach, SC 29575.
Unincorporated Areas of Horry County	Horry County Government Center, 1301 2nd Avenue, Conway, SC 29526.
Orange County, Texas and Incorporated Areas Docket Nos.: FEMA–B–1322 and FEMA–B–2048	
City of Bridge City	City Hall, 260 Rachal Avenue, Bridge City, TX 77611.
City of Orange	Planning and Community Development, 303 North 8th Street, Orange, TX 77630.
City of Pine Forest	Pine Forest City Hall, 305 Nagel Street, Vidor, TX 77662.
City of Pinehurst	Pinehurst City Hall and Municipal Court, 2497 Martin Luther King Jr. Drive, Orange, TX 77630.
City of Rose City	City Hall, 370 South Rose City Drive, Rose City, TX 77662.
City of Vidor	City Hall, 1395 North Main Street, Vidor, TX 77662.
City of West Orange	City Hall, 2700 Western Avenue, West Orange, TX 77630.
Unincorporated Areas of Orange County	Orange County Environmental Health and Code Compliance Department, 11475 FM 1442, Orange, TX 77630.

[FR Doc. 2021–19214 Filed 9–3–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7034–N–51; OMB Control No.: 2502–0605]

30-Day Notice of Proposed Information Collection: Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the revision of OMB Collection 2502–0605. HUD is proposing to remove from the collection Form HUD–90011t–ORCF, *Lender Narrative—Operating Loss Loan Section 232/223(d)–COVID.* All other forms currently approved in OMB Collection 2502–0605 remain unchanged and remain under the current expiration cycle of June 30, 2022. 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 an additional 30 days of public comment.

DATES: *Comments Due Date: October 7, 2021.*

ADDRESSES: Interested persons are invited to submit comments regarding this notice. Communications must refer to the above docket number and title. There are two methods for submitting public comments: 1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified.

FOR FURTHER INFORMATION CONTACT: John M. Hartung, Director, Policy, Risk Management and Lender Relations Division, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, U.S. Department of Housing and Urban Development, 1222 Spruce Street, Room 3.203, St. Louis, MO 63103–2836; telephone (314) 418–5238 (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 Mr. Hartung.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 6, 2021 at 86 FR 35523.

A. Overview of Information Collection

Title of Information Collection: Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors; Federal Housing Administration (FHA) Healthcare Facility Documents:

OMB Approval Number: 2502–0605.

OMB Expiration Date: November 30, 2021.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–9001–ORCF, HUD–9001a–ORCF, HUD–9001b–ORCF, HUD–9001c–ORCF, HUD–9001d–ORCF, HUD–9001e–ORCF, HUD–9001f–ORCF, HUD–9001g–ORCF, HUD–9001h–ORCF, HUD–9001i–ORCF, HUD–9002–ORCF, HUD–9003–ORCF, HUD–9004–ORCF, HUD–9005–ORCF, HUD–9005a–ORCF, HUD–9006–ORCF, HUD–9007–ORCF, HUD–9007a–ORCF, HUD–9009–ORCF, HUD–90010–ORCF, HUD–90011–ORCF, HUD–9444–ORCF, HUD–90012–ORCF, HUD–90013–ORCF, HUD–90014–ORCF, HUD–90015–ORCF, HUD–90016–ORCF, HUD–90017–ORCF, HUD–90018–ORCF,

HUD–90021–ORCF, HUD–9442–ORCF, HUD–90023–ORCF, HUD–91123–ORCF, HUD–91124–ORCF, HUD–91125–ORCF, HUD–91127–ORCF, HUD–91129–ORCF, HUD–92328–ORCF, HUD–92403–ORCF, HUD–92408–ORCF, HUD–92415–ORCF, HUD–92437–ORCF, HUD–92441–ORCF, HUD–92441a–ORCF, HUD–92442–ORCF, HUD–92448–ORCF, HUD–92450–ORCF, HUD–92452–ORCF, HUD–92452A–ORCF, HUD–92455–ORCF, HUD–92456–ORCF, HUD–92479–ORCF, HUD–92485–ORCF, HUD–92554–ORCF, HUD–93305–ORCF, HUD–95379–ORCF, HUD–2–ORCF, HUD–935.2D–ORCF, HUD–941–ORCF, HUD–9445–ORCF, HUD–9839–ORCF, HUD–90022–ORCF, HUD–90024–ORCF, HUD–91116–ORCF, HUD–91126–ORCF, HUD–91130–ORCF, HUD–92000–ORCF, HUD–92264a–ORCF, HUD–92434–ORCF, HUD–90020–ORCF, HUD–92322–ORCF, HUD–92211–ORCF, HUD–92331–ORCF, HUD–92333–ORCF, HUD–92335–ORCF, HUD–92337–ORCF, HUD–92339–ORCF, HUD–92340–ORCF, HUD–92341–ORCF, HUD–92342–ORCF, HUD–2205A–ORCF, HUD–91110–ORCF, HUD–91111–ORCF, HUD–91112–ORCF, HUD–91118–ORCF, HUD–91710–ORCF, HUD–92023–ORCF, HUD–92070–ORCF, HUD–92071–ORCF, HUD–92223–ORCF, HUD–92323–ORCF,HUD–92330–ORCF, HUD–92330A–ORCF, HUD–92420–ORCF, HUD–92435–ORCF, HUD–92466–ORCF, HUD–92466A–ORCF, HUD–92468–ORCF, HUD–94000–ORCF, HUD–94000–ORCF–ADD, HUD–94000B–ORCF, HUD–94001–ORCF, HUD–94001–ORCF–RI, HUD–9443–ORCF, HUD–91071–ORCF, HUD–91128–ORCF, HUD–92412–ORCF, HUD–92414–ORCF,HUD–92464–ORCF, HUD–92476–ORCF, HUD–92476B–ORCF, HUD–92476C–ORCF, HUD–91117–ORCF, HUD–91725–ORCF, HUD–91725–INST–ORCF, HUD–91725–CERT–ORCF,HUD–92325–ORCF, HUD–1044–D–ORCF, HUD–2537–ORCF, HUD–2747–ORCF, HUD–9250–ORCF, HUD–9807–ORCF, HUD–90019–ORCF, HUD–90029–ORCF, HUD–90030–ORCF, HUD–90031–ORCF, HUD–90032–ORCF, HUD–90033–ORCF, HUD–92080–ORCF, HUD–92117–ORCF, HUD–92228–ORCF, HUD–92266–ORCF, HUD–92266A–ORCF, HUD–92266B–ORCF, HUD–92417–ORCF, HUD–93332–ORCF, HUD–93333–ORCF, HUD–93334–ORCF, HUD–93335–ORCF, HUD–93479–ORCF, HUD–93480–ORCF, HUD–93481–ORCF, HUD–93486–ORCF, HUD–91116A–ORCF, HUD–92211A–ORCF, HUD–92323A–ORCF, HUD–92333A–ORCF, HUD–92338–ORCF, HUD–92340A–ORCF, HUD–92420A–ORCF, HUD–92434A–ORCF, HUD–92440–ORCF, HUD–92467–ORCF, HUD–92467A–ORCF, HUD–94000A–ORCF, HUD–94001A–ORCF.

Description of the need for the information and proposed use: The issuance of this notice is modeled on the public review and input process that HUD utilized in the establishment of the healthcare facility documents for Section 232 of the National Housing Act (Section 232) program. On July 5, 2019, at 78 FR 16279, after solicitation of comment, HUD published in the **Federal Register** a notice that announced the approval of the healthcare facility documents under the Paperwork Reduction Act of 1995 (44U.S.C. 3501–3520) (PRA) and an assignment of a control number, 2502–0605, by the Office of Management and Budget (OMB).

Respondents: Business or other for-profit; Not-for-profit institutions.

Estimated Number of Respondents: 5,451.

Estimated Number of Responses: 26,125.

Frequency of Response: 730.

Average Hours per Response: 5.32.

Total Estimated Burden: 49,226.

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.

(5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2021–19209 Filed 9–3–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX21EG31DW50100; OMB Control Number 1028–NEW]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Hydrography Maintenance Portal

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing a new information collection, in use without OMB approval.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Michael Tinker by email at *mdtinker@usgs.gov,* or by telephone at 303–202–4476. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 December 11, 2020. (85 FR 80137). 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. The Hydrography Maintenance Portal (HMP) is a website used by trained editors to access data from the USGS National Hydrography Dataset (NHD) or Watershed Boundary Dataset (WBD) national databases for the purpose of editing the data to update, correct, or otherwise improve it. HMP is used by federal employees of the USGS National Geospatial Program (NGP) and state partners with which USGS has a signed Stewardship Program Memorandums of Understanding (MOU). USGS employees use the HMP as their primary means of accessing NHD and WBD for data management. State partners use the HMP to check out areas of the NHD and/or WBD to perform edits and updates to the data using their specialized, local knowledge of the streams in their areas. These data contributions are very important to maintaining the datasets as A–16 National Geospatial Data Assets, as well as helping to prevent duplication of data by supporting editing of one primary dataset by many.

Using HMP, NHD or WBD data is ''checked out'' from a national database for a select area. No other editor can check out the data for an area when the data is already checked out. The HMP is *not* used to directly edit or submit (''check in'') data to the national database. Data checked out with HMP must be edited with USGS hydrography editing tools, such as the WBD Edit Tool or the NHD Update Tool. To check in data, editors must use the USGS hydrography editing tools.

Registered users are assigned check out permissions by the HMP administrators. HMP administrators are a limited group of the USGS NHD/WBD Partner Support Team. HMP user accounts are necessary because they allow HMP administrators to provide assistance if needed, to coordinate production needs, and enable tracking on the editing history for the datasets through reporting.

HMP has reporting functions to generate production statistics. These reports detail active and previous checkout histories within specified date ranges. The business contact information of the users who checked out the data are visible on these reports. Any registered user can generate reports with HMP.

HMP reports are frequently used to coordinate essential production needs between states, or between USGS staff and state partners. The reports allow USGS staff to contact partners if there is a problem with their data or allow partners to contact partners in others states to confirm if editing work is planned or occurring in an adjacent watershed.

Title of Collection: Hydrography Maintenance Portal.

OMB Control Number: 1028–NEW.

Form Number: None.

Type of Review: New, collection in use without OMB approval.

Respondents/Affected Public: General public. NHD stewards and editors.

Total Estimated Number of Annual Respondents: 100.

Total Estimated Number of Annual Responses: 100.

Estimated Completion Time per Response: 1 minute.

Total Estimated Number of Annual Burden Hours: 2 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: None.

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.*).

David Brostuen,

Director, National Geospatial Technical Operation Center.

[FR Doc. 2021–19151 Filed 9–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX21EE000101100]

Public Meeting of the National Earthquake Prediction Evaluation Council (NEPEC) Federal Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of public meeting (via teleconference).

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal Advisory Committee meeting of the National Earthquake Prediction Evaluation Council (NEPEC) will take place.

DATES: The virtual meeting will be held on Thursday, September 23, 2021, at 12 Noon–2:30 p.m. (Eastern Standard Time).

ADDRESSES: The meeting will be held via teleconference.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Blanpied, U.S. Geological Survey (USGS), by email at *mblanpied@usgs.gov;* or by telephone at (703) 648–6696.

SUPPLEMENTARY INFORMATION: The NEPEC provides advice and recommendations to the Director of the USGS on earthquake predictions and

related scientific research, in support of the Director's delegated responsibility under the Stafford Act (Pub. L. 93–288) to issue timely warnings of potential geologic disasters.

Purpose of the Meeting: The USGS will update the NEPEC on work in response to prior recommendations on the implementation of a nationwide operational aftershock forecasting system, and on work to update inputs for the USGS National Seismic Hazard Model.

Agenda Topics

—Updates to the council on implementation of a nationwide operational aftershock forecasting system, its performance following recent key earthquakes, and planned improvements.
—Briefings on the preparation of an earthquake rupture source model to be incorporated into a planned 2023 update to the USGS National Seismic Hazard Model.
—Public comment period.

Meeting Accessibility/Special Accommodations: The virtual meeting is open to the public beginning at 12 Noon–2:30 p.m. (Eastern Standard Time) on September 23. Members of the public wishing to participate in the virtual meeting should contact Dr. Michael Blanpied by email at *mblanpied@usgs.gov* to register no later than three (3) business days prior to the meeting. Virtual meeting (conference) call-in information will be provided at that time, along with any final modifications to the schedule and agenda.

Time will be allowed at the virtual meeting for any individual or organization wishing to provide public comments. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited. To allow for full consideration of information by the NEPEC members, written notice must be provided to Dr. Michael Blanpied, U.S. Geological Survey (USGS), by email at *mblanpied@usgs.gov;* or by telephone at (703) 648–6696, at least three (3) business days prior to the meeting. Any written comments received will be provided to the NEPEC members.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. appendix 2.

Dionne Duncan-Hughes,

Information Management Specialist.

[FR Doc. 2021–19269 Filed 9–3–21; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900253G]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Rosebud Sioux Tribe and the State of South Dakota)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the extension of the Class III gaming compact between the Rosebud Sioux Tribe of the Rosebud Indian Reservation and the State of South Dakota.

DATES: The extension takes effect on September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: An extension to an existing Tribal-State Class III gaming compact does not require approval by the Secretary if the extension does not modify any other terms of the compact. 25 CFR 293.5. The Rosebud Sioux Tribe of the Rosebud Indian Reservation and the State of South Dakota have reached an agreement to extend the expiration date of their existing Tribal-State Class III gaming compact to April 18, 2022. This publication provides notice of the new expiration date of the compact.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2021–19337 Filed 9–3–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076–0112, 1076–0183, and 1076–0184]

Agency Information Collection Activities; Tribal Reassumption of Jurisdiction Over Child Custody Proceedings, Secretarial Elections, Bureau of Indian Affairs Housing Improvement Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew three information collections.

DATES: Interested persons are invited to submit comments on or before November 8, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Jeanette Hanna, Deputy Bureau Director, Indian Services, Office of Indian Services, BIA, 1849 C Street NW, Mail Stop 3645–MIB, Washington, DC 20240; or by email to *jeanette.hanna@bia.gov*. Please reference OMB Control Number 1076–0112, 1076–0183, or 1076–0184 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeanette Hanna, Deputy Bureau Director, Indian Services, Office of Indian Services, BIA, by email at *jeanette.hanna@bia.gov* or telephone at (202) 208–2874.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, 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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate

of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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: The BIA is seeking to renew the information collection conducted under 25 CFR 13, Tribal Reassumption of Jurisdiction over Child Custody Proceedings, which prescribes procedures by which a federally recognized Tribe that occupies Tribal lands over which a State asserts any jurisdiction pursuant to Federal law may reassume jurisdiction over Indian child proceedings as authorized by the Indian Child Welfare Act, Public Law 95–608, 92 Stat. 3069, 25 U.S.C. 1918.

The collection of information will ensure that the provisions of Public Law 95–608 are met. Any federally recognized Tribe that became subject to State jurisdiction pursuant to the provisions of the Act of August 15, 1953 (67 Stat. 588), as amended by title IV of the Act of April 11, 1968 (82 Stat. 73,78), or pursuant to any other Federal law, may reassume jurisdiction over child custody proceedings. The collection of information provides data that will be used in considering the petition and feasibility of the plan of the Tribe for reassumption of jurisdiction over Indian child custody proceedings. We collect the following information: Full name, address, and telephone number of petitioning Tribe or Tribes; a Tribal resolution; estimated total number of members in the petitioning Tribe of Tribes with an explanation of how the number was estimated; current criteria for Tribal membership; citation to provision in Tribal constitution authorizing the Tribal governing body to exercise jurisdiction over Indian child custody matters; description of Tribal court; copy of any Tribal ordinances or Tribal court rules establishing procedures or rules for exercise of jurisdiction over child custody matters; and all other information required by 25 CFR 13.11.

Title of Collection: Tribal Reassumption of Jurisdiction over Child Custody Proceedings.

OMB Control Number: 1076–0112.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Tribes who submit Tribal reassumption petitions for review and approval by the Secretary of the Interior.

Total Estimated Number of Annual Respondents: 1.

Total Estimated Number of Annual Responses: 1.

Estimated Completion Time per Response: 8 hours.

Total Estimated Number of Annual Burden Hours: 8 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-Hour Burden Cost: None.

* * * * *

Abstract: Under the Indian Reorganization Act, Tribes have the right to organize and adopt constitutions, bylaws, and any amendments thereto, and ratify charters of incorporation, through elections called by the Secretary of the Interior, according to rules prescribed by the Secretary. See 25 U.S.C. 476, 477, 503. The Secretary's rules for conducting these elections, known as ''Secretarial elections,'' and approving the results are at 25 CFR 81. In most cases, the Tribe requests a Secretarial election; however, an individual voting member of a Tribe may also request a Secretarial election by petition. These rules also establish the procedures for an individual to petition for a Secretarial election.

The BIA requires the Tribe to submit a formal request for Secretarial election, including: A Tribal resolution; the document or language to be voted on in the election; a list of all Tribal members who are age 18 or older in the next 120 days (when the election will occur), including their last known addresses, voting districts (if any), and dates of birth, in an electronically sortable format.

While much of the information the Tribe prepares for a Secretarial election (*e.g.,* list of members eligible to vote) would be required if the Tribe instead conducted its own Tribal election, the Secretary's rules establish specifics on what a Tribal request or petition for election must contain. These specifics are necessary to ensure the integrity of Secretarial elections and allow the BIA and Tribal personnel the ability to consistently administer elections.

Title of Collection: Secretarial Elections.

OMB Control Number: 1076–0183.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Tribes and their members.

Total Estimated Number of Annual Respondents: 252,041.

Total Estimated Number of Annual Responses: 252,041.

Estimated Completion Time per Response: Varies from 15 minutes to 40 hours.

Total Estimated Number of Annual Burden Hours: 64,305.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $110,880.

* * * * *

Abstract: Submission of this information allows BIA to determine applicant eligibility for housing services based upon the criteria referenced in 25 CFR 256.9 (repairs and renovation assistance) and 256.10 (replacement housing assistance). Enrolled members of a federally recognized Tribe, who live within a Tribe's designated and approved service area, submit information on an application form. The information is collected on a BIA Form 6407, ''Housing Assistance Application,'' and includes:

A. Applicant Information including: Name, current address, telephone number, date of birth, social security number, Tribe, roll number, reservation, marital status, name of spouse, date of birth of spouse, Tribe of spouse, and roll number of spouse.

B. Family Information including: Name, date of birth, relationship to applicant, and Tribe/roll number.

C. Income Information: Earned and unearned income.

D. Housing Information including: Location of the house to be repaired, constructed, or purchased; description of housing assistance for which applying; knowledge of receipt of prior Housing Improvement Program assistance, amount to whom and when; ownership or rental; availability of electricity and name of electric company; type of sewer system; water source; number of bathroom facilities.

E. Land Information including: Landowner; legal status of land; or type of interest in land.

F. General Information including: Prior receipt of services under the

Housing Improvement Program and description of such; ownership of other housing and description of such; identification of Housing and Urban Development-funded house and current status of project; identification of other sources of housing assistance for which the applicant has applied and been denied assistance, if applying for a new housing unit or purchase of an existing standard unit; and advisement and description of any severe health problem, handicap or permanent disability.

G. Applicant Certification including: Signature of applicant and date, and signature of spouse and date.

Title of Collection: Bureau of Indian Affairs Housing Improvement Program.

OMB Control Number: 1076–0184.

Form Number: BIA–6407.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 8,000 per year, on average.

Total Estimated Number of Annual Responses: 8,000 per year, on average.

Estimated Completion Time per Response: 1 hour.

Total Estimated Number of Annual Burden Hours: 8,000 hours.

Respondent's Obligation: A response is required to obtain a benefit.

Frequency of Collection: Once per year.

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*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2021–19317 Filed 9–3–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DOI–2020–0018; 211D0107SL, D3L000000.000000, DL91200000]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, Interior.

ACTION: Rescindment of a system of records notice.

SUMMARY: The Department of the Interior (DOI) is issuing a public notice of its intent to rescind the Privacy Act system of records notice, INTERIOR/DOI–03, Financial Interest Statements and Ethics Counselor Decisions. During a review of the INTERIOR/DOI–03 system of records notice, DOI determined that employee public financial disclosure reports, financial interest statements, conflict of interest decisions, and other related records are covered under two Government-wide system of records notices published by the Office of Government Ethics (OGE). This rescindment will eliminate an unnecessary duplicate notice and promote the overall streamlining and management of DOI Privacy Act systems of records.

DATES: These changes take effect on September 7, 2021.

ADDRESSES: You may submit comments identified by docket number [DOI–2020–0018] by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: DOI_Privacy@ios.doi.gov.* Include docket number [DOI–2020–0018] in the subject line of the message.
- *U.S. mail or hand-delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number [DOI–2020–0018]. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

You should be aware that your entire comment including your personally identifiable information, such as your address, phone number, email address, or any other personal information in your comment, may be made publicly available at any time. While you may request to withhold your personally identifiable information from public review, we cannot guarantee we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240, *DOI_Privacy@ios.doi.gov* or (202) 208–1605.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, DOI is rescinding the INTERIOR/DOI–03, Financial Interest Statements and Ethics Counselor Decisions, system of records notice and removing it from its inventory. The DOI Ethics Office maintains records on employee public financial disclosure reports, financial interest statements, conflict of interest decisions, and other records to administer the DOI Ethics Program and ensure compliance with ethics laws and regulations. During a review of the INTERIOR/DOI–03 notice, DOI determined that these records are covered under two Government-wide system of records notices published by OGE: OGE/GOVT–1, Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records, 84 FR 47303 (September 9, 2019); and OGE/GOVT–2, Executive Branch Confidential Financial Disclosure Reports, 84 FR 47301 (September 9, 2019).

A Government-wide system of records is a system of records where one agency has regulatory authority over the records in the custody of multiple agencies and that agency has the responsibility for publishing a system of records notice that applies to all of the records regardless of their custodial location. The two OGE government-wide system of records notices apply to the records maintained by the DOI Ethics Program pursuant to ethics laws and regulations. Therefore, DOI is rescinding the INTERIOR/DOI–03, Financial Interest Statements and Ethics Counselor Decisions, system of records notice to eliminate an unnecessary duplicate notice in accordance with the Office of Management and Budget Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act.*

Rescinding the INTERIOR/DOI–03, Financial Interest Statements and Ethics Counselor Decisions, system of records notice will have no adverse impacts on individuals as the records are covered by OGE/GOVT–1, Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records, and OGE/GOVT–2, Executive Branch Confidential Financial Disclosure Reports, which apply to the records regardless of their custodial location. This rescindment will also promote the overall streamlining and management of DOI Privacy Act systems of records. This notice hereby rescinds the INTERIOR/DOI–03, Financial Interest Statements and Ethics Counselor Decisions, system of records notice as identified below.

SYSTEM NAME AND NUMBER:

INTERIOR/DOI–03, Financial Interest Statements and Ethics Counselor Decisions.

HISTORY:

64 FR 18437 (April 14, 1999).

Teri Barnett,

Departmental Privacy Officer, Department of the Interior.

[FR Doc. 2021–19170 Filed 9–3–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DOI–2020–0019; 21XD4523WS, DWSPF0000.XD0000, DS67010000, DP67012]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of modified systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information,* the Department of the Interior (DOI) is issuing a public notice of its intent to modify Departmental and bureau and office system of records notices to add a new breach routine use to ensure that the DOI can assist another agency in responding to a confirmed or suspected breach of personally identifiable information, as appropriate.

DATES: This notice will be effective upon publication. New or modified routine uses will be effective October 7, 2021. Submit comments on or before October 7, 2021.

ADDRESSES: You may send comments identified by docket number [DOI–2020–0019] by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: DOI_Privacy@ios.doi.gov.* Include docket number [DOI–2020–0019] in the subject line of the message.
- *U.S. Mail or Hand Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number [DOI–2020–0019]. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240, *DOI_Privacy@ios.doi.gov* or (202) 208–1605.

SUPPLEMENTARY INFORMATION:

I. Background

On May 22, 2007, OMB issued Memorandum M–07–16, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information,* which required Federal agencies to publish a routine use for their systems of records specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a breach of personally identifiable information. Several DOI bureaus and offices published System of Records Notices (SORNs) in the **Federal Register** in 2008 to modify DOI bureau and office systems of records by adding a routine use in their ''ROUTINE USES'' section to address the limited disclosure of records related to a suspected or confirmed breach within DOI consistent with OMB M–07–16. All new and significantly modified SORNs published by the DOI, or its bureaus and offices, since that time included a breach response routine use consistent with the requirements outlined in OMB M–07–16.

On January 3, 2017, OMB issued Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information,* which rescinded and replaced OMB M–07–16. This memorandum requires agencies to publish two routine uses for their systems of records specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a breach of personally identifiable information. Specifically, OMB M–17–12 requires that agency Senior Agency Officials for Privacy ensure that their agency SORNs include routine uses for the disclosure of information necessary to respond to that agency's breach of PII. Additionally, OMB M–17–12 requires that a breach routine use be added to all agency SORNs to ensure that agencies are able to disclose records in their systems of records to another Federal agency that may reasonably be needed by that agency to respond to a breach of PII. DOI is issuing two separate notices in the **Federal Register** to modify existing DOI SORNs to satisfy the two breach routine use requirements outlined in OMB M–17–12.

DOI is publishing this notice to modify the DOI SORNs identified below to add a new breach routine use for the limited disclosure of records that may reasonably be needed by another agency to respond to a breach. The DOI SORNs for other DOI, bureau and office systems of records that are omitted from this notice have incorporated the new breach routine use, are being rescinded, or are being modified separately to ensure continuity with their previous notice publications. DOI is publishing a notice elsewhere in the **Federal Register** to revise DOI bureau and office SORNs to include the required breach routine use to comply with OMB M–17–12 for the bureau and office systems of records for the disclosure of information necessary for DOI to respond to a breach of PII.

This notice adds the new mandatory breach routine use to the DOI systems of records listed below to ensure that the Department can assist another agency in responding to a confirmed or suspected breach, as appropriate, pursuant to OMB M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information.*

1 INTERIOR/BIA–2, Safety Records System	74 FR 26254 (June 1, 2009).
2 INTERIOR/BIA–04, Trust Asset and Accounting Management System (TAAMS).	79 FR 68292 (November 14, 2014).
3 INTERIOR/BIA–7, Tribal Enrollment Reporting and Payment System.	76 FR 59733 (September 27, 2011).
4 INTERIOR/BIA–8, Financial Assistance and Social Services—Case Management System.	76 FR 56787 (September 14, 2011).
5 INTERIOR/BIA–10, Indian Housing Improvement Program	48 FR 41104 (September 13, 1983).
6 INTERIOR/BIA–11, Indian Business Development Program (Grants)	48 FR 41104 (September 13, 1983).
7 INTERIOR/BIA–12, Indian Trust Land Mortgages	48 FR 41105 (September 13, 1983).
8 INTERIOR/BIA–22, Native American Student Information System (NASIS).	73 FR 40605 (July 15, 2008).
9 INTERIOR/BIA–26, Electrical Utility Management System	79 FR 24002 (April 29, 2014).

10 INTERIOR/BIA–27, Bureau of Indian Affairs Probate Files	72 FR 8767 (February 27, 2007).
11 INTERIOR/BIA–34, National Irrigation Information Management System (NIIMS).	78 FR 7804 (February 4, 2013).
12 INTERIOR/LLM–2, Range Management System	75 FR 82061 (December 29, 2010).
13 INTERIOR/BLM–3, Mineral Lease Management	47 FR 55317 (December 8, 1982); modification published 73 FR 17376 (April 1, 2008).
14 INTERIOR/BLM–4, Coal Lease Data System	47 FR 55317 (December 8, 1982); modification published 73 FR 17376 (April 1, 2008).
15 INTERIOR/BLM–6, Mineral Surveyor Appointment File	51 FR 25107 (Jul 10, 1986); modification published 73 FR 17376 (April 1, 2008).
16 INTERIOR/BLM–8, Aircraft Passenger Manifest Records—Fire Control.	42 FR 19112 (April 11, 1977); modification published 73 FR 17376 (April 1, 2008).
17 INTERIOR/BLM–10, Vehicle Use Authorization	42 FR 19113 (April 11, 1977); modification published 73 FR 17376 (April 1, 2008).
18 INTERIOR/BLM–15, Correspondence Control	42 FR 19114 (April 11, 1977); modification published 73 FR 17376 (April 1, 2008).
19 INTERIOR/BLM–16, Timber Sale Information System (TSIS)	75 FR 3919 (January 25, 2010).
20 INTERIOR/BLM–18, Criminal Case Investigation	47 FR 55322 (December 8, 1982); modification published 73 FR 17376 (April 1, 2008).
21 INTERIOR/BLM–19, Civil Trespass Case Investigations	47 FR 55322 (December 8, 1982); modification published 73 FR 17376 (April 1, 2008).
22 INTERIOR/BLM–20, Employee Conduct Investigations	42 FR 19116 (April 11, 1977); modification published 73 FR 17376 (April 1, 2008).
23 INTERIOR/BLM–28, Adopt a Wild Horse	51 FR 25111 (July 10, 1977); modification published 73 FR 17376 (April 1, 2008).
24 INTERIOR/BLM–30, Uniform Accountability System	52 FR 36635 (September 30, 1987); modification published 73 FR 17376 (April 1, 2008).
25 INTERIOR/LLM–32, Land & Minerals Authorization Tracking System.	56 FR 5014 (February 7, 1991); modification published 73 FR 17376 (April 1, 2008).
26 INTERIOR/LLM–37, Wild Horse & Burro Program System (WHBPS).	72 FR 67956 (December 3, 2007); modification published 73 FR 17376 (April 1, 2008).
27 INTERIOR/BLM–40, Incident Qualification and Certification System (IQCS).	73 FR 6996 (February 6, 2008).
28 INTERIOR/BLM–42, General Land Office Records Automation System (GLORAS).	79 FR 30158 (May 27, 2014).
29 INTERIOR/WBR–5, Claims	64 FR 13234 (March 17, 1999); modification published 73 FR 20949 (April 17, 2008).
30 INTERIOR/WBR–7, Concessions	64 FR 69032 (December 9, 1999); modification 73 FR 20949 (April 17, 2008).
31 INTERIOR/WBR–13, Irrigation Management Service	64 FR 29876 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008).
32 INTERIOR/WBR–31, Acreage Limitation	64 FR 13235 (March 17, 1999); modification published 73 FR 20949 (April 17, 2008).
33 INTERIOR/WBR–38, Water Right Applications	64 FR 29876 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008).
34 INTERIOR/WBR–39, Water Rights Acquisition	64 FR 29876 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008).
35 INTERIOR/WBR–40, Water Sales and Delivery Contracts	64 FR 29876 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008).
36 INTERIOR/WBR–48, Lower Colorado River Well Inventory	64 FR 29874 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008).
37 INTERIOR/OS–09, Hearings and Appeals Files	80 FR 26291 (May 7, 2015).
38 INTERIOR/OS–30, Minerals Revenue Management Support System (MRMSS).	81 FR 16207 (March 25, 2016).
39 INTERIOR/OIG–1, Management Information	55 FR 14480 (April 18, 1990).
40 INTERIOR/OIG–2, Investigative Records	76 FR 60519 (September 29, 2011).
41 INTERIOR/OS–10, Electronic Email Archive System (EEAS)	68 FR 4220 (January 28, 2003); modification published 73 FR 8342 (February 13, 2008).
42 INTERIOR/OS–12, Official Pilot Folders	74 FR 49004 (September 25, 2009).
43 INTERIOR/OS–13, Aircraft Administrative Management and Fiscal Records.	74 FR 49002 (September 25, 2009).
44 INTERIOR/OS–14, Take Pride In America System	68 FR 39958 (July 3, 2003); modification published 73 FR 8342 (February 13, 2008).
45 INTERIOR/OS–20, Secretarial Controlled Correspondence File	64 FR 20013 (April 23, 1999); modification published 73 FR 8342 (February 13, 2008).
46 INTERIOR/OS–21, Office of Insular Affairs Programs	78 FR 17705 (March 22, 2013).
47 INTERIOR/OS–25, Youth Conservation Corps (YCC) Enrollee Records.	56 FR 41700 (August 22, 1991).
48 INTERIOR/OS–26, Youth Conservation Corps (YCC), Enrollee Payroll Recorder File.	56 FR 41700 (August 22, 1991).
49 INTERIOR/OS–27, Youth Conservation Corps (YCC) Enrollee Medical Records.	56 FR 41700 (August 22, 1991).
50 INTERIOR/OS–29, Youth Conservation Corps (YCC) Recruitment Files.	51 FR 36862 (October 16, 1986).
51 INTERIOR/OS–35, Library Circulation Control System	64 FR 16988 (April 7, 1999); modification published 73 FR 8342 (February 13, 2008).

52 INTERIOR/OS–46, Secretarial Subject Files	64 FR 16983 (April 7, 1999); modification published 73 FR 8342 (February 13, 2008).
53 INTERIOR/OS–47, Parking Assignment Records	64 FR 16984 (April 7, 1999); modification published 73 FR 8342 (February 13, 2008).
54 INTERIOR/OS–51, Property Accountability and Control System	64 FR 17404 (April 9, 1999); modification published 73 FR 8342 (February 13, 2008).
55 INTERIOR/OS–69, Freedom of Information Appeals Files	64 FR 16986 (April 7, 1999).
56 INTERIOR/OS–84, Delinquent Debtor File	64 FR 18436 (April 14, 1999); modification published 73 FR 8342 (February 13, 2008).
57 INTERIOR/DOI–01, Interior Child Care Subsidy Program Records	66 FR 10309 (February 14, 2001); modification published 73 FR 8342 (February 13, 2008).
58 INTERIOR/DOI–02, Interior Relocation Assistance Program Records.	73 FR 55125 (September 24, 2008).
59 INTERIOR/DOI–04, Employee Assistance Program Records	64 FR 20011 (April 23, 1999); modification published 73 FR 8342 (February 13, 2008).
60 INTERIOR/DOI–05, Interior Volunteer Services File System	66 FR 28536 (May 23, 2001).
61 INTERIOR/DOI–06, America the Beautiful—The National Parks and Federal Recreational Lands Pass System.	80 FR 63246 (October 19, 2015).
62 INTERIOR/DOI–07, Federal and Non-Federal Aviation Personnel, Equipment, and Mishap Information Systems.	74 FR 48774 (September 24, 2009).
63 INTERIOR/DOI–08, DOI Social Networks	76 FR 44033 (July 22, 2011).
64 INTERIOR/DOI–10, Incident Management, Analysis and Reporting System.	79 FR 31974 (June 3, 2014).
65 INTERIOR/DOI–11, Debarment and Suspension Program	76 FR 52341 (August 22, 2011).
66 INTERIOR/DOI–18, Civil Rights Complaints and Compliance Review Files.	73 FR 19088 (April 8, 2008).
67 INTERIOR/DOI–24, Indian Arts and Crafts Board	80 FR 27700 (May 14, 2015).
68 INTERIOR/DOI–36, Telephone Call Detail Records	59 FR 7260 (February 15, 1994); modification published 73 FR 8342 (February 13, 2008).
69 INTERIOR/DOI–45, HSPD–12: Identity Management System and Personnel Security Files.	72 FR 11036 (March 12, 2007).
70 INTERIOR/DOI–47, HSPD–12: Logical Security Files (Enterprise Access Control Service/EACS).	72 FR 11040 (March 12, 2007).
71 INTERIOR/DOI–52, Passport and Visa Records	64 FR 16981 (April 7, 1999); modification published 73 FR 8342 (February 13, 2008) and 74 FR 34588 (July 16, 2009).
72 INTERIOR/DOI–57, Privacy Act Files	81 FR 45527 (July 14, 2016).
73 INTERIOR/DOI–58, Employee Administrative Records	64 FR 19384 (April 20, 1999); modification published 73 FR 8342 (February 13, 2008).
74 INTERIOR/DOI–60, Safety Management Information System	81 FR 73135 (October 24, 2016).
75 INTERIOR/DOI–71, Electronic FOIA Tracking System and FOIA Case Files.	81 FR 33544 (May 26, 2016).
76 INTERIOR/DOI–72, FECA Chargeback Case Files	64 FR 19380 (April 20, 1999); modification published 73 FR 8342 (February 13, 2008).
77 INTERIOR/DOI–74, Grievance Records	64 FR 19381 (April 20, 1999); modification published 73 FR 8342 (February 13, 2008).
78 INTERIOR/DOI–76, Employee Training and Career Development Records.	64 FR 26999 (May 18, 1999); modification published 73 FR 8342 (February 13, 2008).
79 INTERIOR/DOI–77, Unfair Labor Practice Charges/Complaints Files.	64 FR 18434 (April 14, 1999); modification published 73 FR 8342 (February 13, 2008).
80 INTERIOR/DOI–78, Negotiated Grievance Procedure Files	64 FR 19383 (April 20, 1999); modification published 73 FR 8342 (February 13, 2008).
81 INTERIOR/DOI–82, Executive Development Programs Files	64 FR 20014 (April 23, 1999); modification published 73 FR 8342 (February 13, 2008).
82 INTERIOR/DOI–86, Accounts Receivable: FBMS	73 FR 43772 (July 28, 2008).
83 INTERIOR/DOI–87, Acquisition of Goods and Services: FBMS	73 FR 43766 (July 28, 2008).
84 INTERIOR/DOI–88, Travel Management: FBMS	73 FR 43769 (July 28, 2008).
85 INTERIOR/DOI–89, Grants and Cooperative Agreements: FBMS	73 FR 43755 (July 28, 2008).
86 INTERIOR/DOI–91, Oracle Federal Financials (OFF)	80 FR 66551 (October 29, 2015).
87 INTERIOR/NPS–6, Audiovisual Performance Selection Files	42 FR 19073 (April 11, 1977), modification published 73 FR 63992 (October 28, 2008).
88 INTERIOR/NPS–7, National Park Service Historical Library	48 FR 51699 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).
89 INTERIOR/NPS–8, Property and Supplies Accountability	48 FR 51700 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).
90 INTERIOR/NPS–10, Central Files	42 FR 19075 (April 11, 1977), modification published 73 FR 63992 (October 28, 2008).
91 INTERIOR/NPS–12, U.S. Park Police Personnel Photograph File	64 FR 66196 (November 24, 1999), modification published 73 FR 63992 (October 28, 2008).
92 INTERIOR/NPS–13, Concessioners	48 FR 51700 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).
93 INTERIOR/NPS–14, Concessioner Financial Statement and Audit Report Files.	48 FR 51701 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).
94 INTERIOR/NPS–15, Concessions Management Files	48 FR 51701 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).
95 INTERIOR/NPS–21, Visitor Statistical Survey Forms	48 FR 51705 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).

96 INTERIOR/NPS–22, Motor Vehicle Operations Program	48 FR 51705 (November 10, 1983), modification published 73 FR 63992 (October 28, 2008).
97 INTERIOR/NPS–23, Planning, Environment and Public Comment (PEPC) System.	79 FR 30641 (May 28, 2014).
98 INTERIOR/NPS–24, Commercial Use Authorization (CUA) System	78 FR 20944 (April 8, 2013).
99 INTERIOR/OSM–8, Employment and Financial Interest Statements—States and Other Federal Agencies.	64 FR 17412 (April 9, 1999); modification published 73 FR 45244 (August 4, 2008).
100 INTERIOR/OSM–12, Blaster Certification	64 FR 17413 (April 9, 1999); modification published 73 FR 45244 (August 4, 2008).
101 INTERIOR/SOL–1, Litigation, Appeal and Case Files	46 FR 12146 (February 12, 1981).
102 INTERIOR/SOL–2, Claims Files	46 FR 12146 (February 12, 1981).
103 INTERIOR/SOL–3, Patent Files	42 FR 18968 (April 11, 1977).
104 INTERIOR/SOL–4, Workload Analysis	46 FR 12146 (February 12, 1981).
105 INTERIOR/SOL–5, SMCRA Litigation Tracking System (LTS)	54 FR 7485 (February 21, 1989).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To another Federal agency or Federal entity, when DOI 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.

Teri Barnett,

Departmental Privacy Officer, Department of the Interior.

[FR Doc. 2021–19171 Filed 9–3–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0004]

Agency Information Collection Activities; Desert Land Entry Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for this information collection request (ICR) should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Susie Greenhalgh by email at *lgreenhalgh@blm.gov,* or by telephone at 202–302–4288. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. The ICR may also be viewed at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data are provided 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 20, 2021 (86 FR 20517). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on the proposed ICR described below. The BLM is 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 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 submitted 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: The BLM uses the information to determine if an individual is eligible to make a desert land entry for agricultural purposes. OMB control number 1004–0004 is scheduled to expire September 30, 2021. The BLM is requesting that OMB renew this OMB control number for an additional three years.

Title of Collection: Desert Land Entry Application (43 CFR part 2520).

OMB Control Number: 1004–0004.

Form Number: 2520–1.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals who wish to make a desert land entry for agricultural purposes.

Total Estimated Number of Annual Respondents: 3.

Total Estimated Number of Annual Responses: 3.

Estimated Completion Time per Response: 2 hours.

Total Estimated Number of Annual Burden Hours: 6.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-Hour Burden Cost: $45.

The BLM may not conduct or sponsor and, notwithstanding any other provision of law, 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.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2021–19172 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0029]

Agency Information Collection Activities; Color-of-Title Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed Information Collection Request (ICR) should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Susie Greenhalgh by email at *lgreenhalgh@blm.gov,* or by telephone at 202–302–4288. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the 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 May 18, 2021 (86 FR 26939). 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: The BLM collects and uses the information to determine the validity of a claim under the Color-of-Title Act. The following forms comprise an application in support of a Color-of-Title claim: (a) 2540–001, Color-of-Title Application; (b) 2540–002, Conveyances Affecting Color or Claim of Title; and (c) 2540–003, Color-of-Title Tax Levy and Payment Record. OMB control number 1004–0029 is scheduled to expire on October 31, 2021. This request is for OMB to renew this OMB control number for an additional three (3) years.

Title of Collection: Color-of-Title Application (43 CFR subparts 2540 and 2541).

OMB Control Number: 1004–0029.

Form Numbers: 2540–001; 2540–002, and 2540–003.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, groups, or corporations that wish to claim title to a tract of public land on grounds that such land has been held in good faith and in peaceful, adverse possession under claim or color of title, and have placed valuable improvements on such land or some part thereof has been reduced to cultivation for an amount of time sufficient under the Color-of-Title Act, 43 U.S.C. 1068, *et seq.*

Total Estimated Number of Annual Respondents: 8.

Total Estimated Number of Annual Responses: 8.

Estimated Completion Time per Response: 3 hours.

Total Estimated Number of Annual Burden Hours: 24.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $80.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, 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.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2021–19173 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2021–0001]

Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of a record of decision.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is announcing the availability of a Record of Decision for proposed Gulf of Mexico (GOM)

regionwide oil and gas Lease Sale 257. This Record of Decision identifies BOEM's selected alternative for proposed Lease Sale 257, which is analyzed in the *Gulf of Mexico OCS Lease Sale: Final Supplemental Environmental Impact Statement 2018* (2018 GOM Supplemental EIS).

ADDRESSES: The Record of Decision is available on BOEM's website at *http://www.boem.gov/nepaprocess/.*

FOR FURTHER INFORMATION CONTACT: For more information on the Record of Decision, you may contact Dr. Arie Kaller, Regional Supervisor, Office of the Environment, by telephone at 504–736–2983, or by email at *arie.kaller@boem.gov.*

SUPPLEMENTARY INFORMATION: In the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2017–2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261—Final Multisale Environmental Impact Statement* and 2018 GOM Supplemental EIS, BOEM evaluated five alternatives for proposed Lease Sale 257. We have summarized these alternatives below, noting some additional blocks that may be excluded due to their lease status at the time of this decision:

Alternative A—Regionwide Outer Continental Shelf (OCS) Lease Sale: This is BOEM's preferred alternative. This alternative would allow for a proposed GOM regionwide lease sale encompassing all three planning areas: Western Planning Area (WPA); Central Planning Area (CPA); and a small portion of the Eastern Planning Area (EPA) not under congressional moratorium. Under this alternative, BOEM would offer for lease all available, unleased blocks within the proposed regionwide lease sale area for oil and gas operations with the following exceptions: whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; whole and partial blocks within the boundary of the Flower Garden Banks National Marine Sanctuary as of the July 2008 *Memorandum on Withdrawal of Certain Areas of US OCS from Leasing Disposition;* depth-restricted, segregated portions of Block 299, Main Pass Area, South and East Addition (Louisiana Leasing Map LA10A); blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous lease sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to the publication of the Final Notice of Sale. We will list the unavailable blocks in Section I of the Final Notice of Sale for proposed Lease Sale 257, which will be available on *www.boem.gov/Sale-257* once it is published. The proposed lease sale area encompasses about 91.93 million acres (ac), with approximately 80.8 million ac available for lease. As described in the 2018 GOM Supplemental EIS, the estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed regionwide lease sale are between 0.211 and 1.118 billion barrels of oil (BBO) and 0.547 and 4.424 trillion cubic feet (Tcf) of natural gas.

Alternative B—Regionwide OCS Lease Sale Excluding Available, Unleased Blocks in the WPA Portion of the Proposed Lease Sale Area: This alternative would offer for lease all available, unleased blocks within the CPA and EPA portions of the proposed lease sale area for oil and gas operations, with the following exceptions: Whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; depth-restricted, segregated portions of Block 299, Main Pass Area, South and East Addition (Louisiana Leasing Map LA10A); blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous lease sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. The proposed CPA/EPA lease sale area encompasses about 63.35 million ac, with approximately 53 million ac available for lease. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed lease sale under Alternative B are 0.185–0.970 BBO and 0.441–3.672 Tcf of gas.

Alternative C—Regionwide OCS Lease Sale Excluding Available, Unleased Blocks in the CPA and EPA Portions of the Proposed Lease Sale Area: This alternative would offer for lease all available, unleased blocks within the WPA portion of the proposed lease sale area for oil and gas operations, with the following exceptions: Whole and partial blocks within the boundary of the Flower Garden Banks National Marine Sanctuary as of the July 2008 *Memorandum on Withdrawal of Certain Areas of US OCS from Leasing Disposition;* blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous lease sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. The proposed WPA lease sale area encompasses about 28.58 million ac, with approximately 26.9 million ac available for lease. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed lease sale under Alternative C are 0.026–0.148 BBO and 0.106–0.752 Tcf of gas.

Alternative D—Alternative A, B, or C, with the Option to Exclude Available, Unleased Blocks Subject to the Topographic Features, Live Bottom (Pinnacle Trend), and/or Blocks South of Baldwin County, Alabama, Stipulations: This alternative could be combined with any of the action alternatives above (*i.e.,* Alternative A, B, or C) and would allow the flexibility to offer leases under any alternative with additional exclusions. Under Alternative D, the decisionmaker could exclude from leasing any available, unleased blocks in Alternative A subject to any one or a combination of the following stipulations: Topographic Features Stipulation; Live Bottom Stipulation; and Blocks South of Baldwin County, Alabama, Stipulation (not applicable to Alternative C). This alternative considered blocks subject to these stipulations because these areas have been emphasized in scoping, can be geographically defined, and adequate information exists regarding their ecological importance and sensitivity to OCS oil- and gas-related activities.

A total of 207 blocks within the CPA and 160 blocks in the WPA are affected by the Topographic Features Stipulation. There are currently no identified topographic features protected under this stipulation in the EPA. The Live Bottom Stipulation covers the pinnacle trend area of the CPA, affecting a total of 74 blocks.

Alternative E—No Action: This alternative is not holding proposed regionwide Lease Sale 257 and is identified as the environmentally preferred alternative. Alternative E was not selected because, if it were, revenue would not be collected by the Federal Government nor subsequently disbursed to the States. If the proposed GOM region-wide lease sale were not held, the overall near-term level of OCS oil and gas-related activity in the region would be reduced. However, not

holding a single lease sale would not significantly change the overall activity levels in the GOM (*i.e.,* on blocks leased in previous lease sales) and the associated environmental impacts in the near term.

Lease Stipulations—Ten lease stipulations have been adopted for Lease Sale 257. The 2018 GOM Supplemental EIS describes these 10 lease stipulations, which will be included in the Final Notice of Sale Package.

In the Record of Decision for the *2017–2022 Outer Continental Shelf Oil and Gas Leasing: Proposed Final Program,* the Secretary of the Interior required the protection of biologically sensitive underwater features in all Gulf of Mexico oil and gas lease sales as programmatic mitigation; therefore, BOEM is adopting the Topographic Features Stipulation and Live Bottom Stipulation and applying them to designated lease blocks in proposed Lease Sale 257.

The additional eight lease stipulations considered for proposed regionwide Lease Sale 257 are the Military Areas Stipulation; the Evacuation Stipulation; the Coordination Stipulation; the Blocks South of Baldwin County, Alabama, Stipulation; the Protected Species Stipulation; the United Nations Convention on the Law of the Sea Royalty Payment Stipulation; the Below Seabed Operations Stipulation; and the Stipulation on the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico. The Protected Species Stipulation has been updated due to the completion of the Endangered Species Act consultation with the National Marine Fisheries Service and the issuance of a Biological Opinion in March 2020, addressing OCS oil- and gas-related activities in the Gulf of Mexico, including this lease sale. As noted, BOEM is adopting these ten stipulations as lease terms where applicable and they are enforceable as part of the lease.

Further, Appendix B of the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2017–2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261—Final Multisale Environmental Impact Statement* provides a list and description of standard post-lease conditions of approval that BOEM or the Bureau of Safety and Environmental Enforcement may require as a result of their plan and permit review processes for the Gulf of Mexico OCS region.

After careful consideration, BOEM selected the preferred alternative (Alternative A) from the 2018 GOM Supplemental EIS, with certain additional blocks excluded due to their status, for proposed Lease Sale 257. BOEM is also adopting 10 lease stipulations and all practicable means of mitigation at the lease sale stage. The preferred alternative meets the purpose of and need for the proposed action, as identified in the 2018 GOM Supplemental EIS, and provides for orderly resource development with protection of human, marine, and coastal environments while also ensuring that the public receives a fair market value for these resources and that free-market competition is maintained.

Authority: This Notice of Availability of a Record of Decision is published pursuant to the regulations (40 CFR part 1505) implementing the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Amanda Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2021–19174 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0008; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0021]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Operations in the Outer Continental Shelf for Minerals Other Than Oil, Gas, and Sulphur

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0021 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020, (85 FR 52146). We received one comment in response to this **Federal Register** notice, but it was not germane to the collection.

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: BSEE will use the information required by 30 CFR 282 to determine if lessees are complying with the regulations that implement the mining operations program for minerals other than oil, gas, and sulphur. Specifically, BSEE will use the information:

- To ensure that operations for the production of minerals other than oil, gas, and sulphur in the OCS are conducted in a manner that will result in orderly resource recovery, development, and the protection of the human, marine, and coastal environments.
- To ensure that adequate measures will be taken during operations to prevent waste, conserve the natural resources of the OCS, and to protect the environment, human life, and correlative rights.
- To determine if suspensions of activities are in the national interest, to facilitate proper development of a lease including reasonable time to develop a mine and construct its supporting facilities, and to allow for the construction or negotiation for use of transportation facilities.
- To identify and evaluate the cause(s) of a hazard(s) generating a suspension, the potential damage from a hazard(s) and the measures available to mitigate the potential for damage.
- For technical evaluations that provide a basis for BSEE to make informed decisions to approve, disapprove, or require modification of the proposed activities.

Title of Collection: 30 CFR 282, Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur.

OMB Control Number: 1014–0021.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 16.

Estimated Completion Time per Response: Varies from 1 hour to 20 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 56.

Respondent's Obligation: Required to obtain or retain a benefit, or Voluntary.

Frequency of Collection: Submissions are generally on occasion.

Total Estimated Annual Nonhour Burden Cost: $100,000.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19349 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0010; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0008]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Well Control and Production Safety Training

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0008 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020 (85 FR 52144). 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: The regulations at 30 CFR 250, subpart O, Well Control and Production Safety Training, concern training requirements for certain personnel working on the OCS and is the subject of this collection. This request also covers the related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

BSEE uses the information collected under subpart O regulations to ensure that workers in the OCS are properly trained with the necessary skills to perform their jobs in a safe and pollution-free manner.

In some instances, we may conduct oral interviews of offshore employees to evaluate the effectiveness of a company's training program. The oral interviews are used to gauge how effectively the companies are implementing their own training program.

Title of Collection: 30 CFR 250, Subpart O, Well Control and Production Safety Training.

OMB Control Number: 1014–0008.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 5.

Estimated Completion Time per Response: Varies from 4 hours to 69 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 148.

Respondent's Obligation: Responses are mandatory.

Frequency of Collection: Submissions are generally on occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19346 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0007; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0016]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Pipelines and Pipeline Rights-of-Way (ROW)

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0016 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 September 3, 2020 (85 FR 55029). We received two comments in response to the **Federal Register** notice, but neither are germane to the collection.

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: Lessees and pipeline ROW holders design the pipelines that they install, maintain, and operate. To ensure those activities are performed in a safe manner, BSEE needs information concerning the proposed pipeline and safety equipment, inspections and tests, and natural and manmade hazards near

the proposed pipeline route. BSEE uses the information to review pipeline designs prior to approving an application for an ROW or lease term pipeline to ensure that the pipeline, as constructed, will provide for safe transportation of minerals through the submerged lands of the OCS. BSEE reviews proposed pipeline routes to ensure that the pipelines would not conflict with any State requirements or unduly interfere with other OCS activities. BSEE reviews proposals for taking pipeline safety equipment out of service to ensure alternate measures are used that will properly provide for the safety of the pipeline and associated facilities (platform, etc.). BSEE reviews notifications of relinquishment of ROW grants and requests to decommission pipelines for regulatory compliance and to ensure that all legal obligations are met. BSEE monitors the records concerning pipeline inspections and tests to ensure safety of operations and protection of the environment and to schedule witnessing trips and inspections. Information is also necessary to determine the point at which DOI or Department of Transportation (DOT) has regulatory responsibility for a pipeline and to be informed of the identified operator if not the same as the pipeline ROW holder.

Title of Collection: 30 CFR 250, Subpart J, Pipelines and Pipeline Rights-of-Way (ROW).

OMB Control Number: 1014–0016.

Form Number: Form BSEE–0149—Assignment of Federal OCS Pipeline Right-of-Way Grant, and Form BSEE–0135—Identification of Right-of-Way Pipeline Operator.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently, there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information at any given time, and some may submit multiple times.

Total Estimated Number of Annual Responses: 2,802.

Estimated Completion Time per Response: Varies from .5 hour to 107 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 34,217.

Respondent's Obligation: Most responses are mandatory, while others are required to obtain or retain benefits, or voluntary.

Frequency of Collection: Submissions are generally on occasion and varies by section.

Total Estimated Annual Nonhour Burden Cost: $1,344,916.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19347 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0009; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0024]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Plans and Information

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0024 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020 (85 FR 52143). 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: Regulations implementing plans and information responsibilities

are under 30 CFR part 250, subpart B, and are among those delegated to BSEE. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

For § 250.282—Post-Approval Requirements for the EP, DPP, and DOCD: While the information is submitted to BOEM, BSEE analyzes and evaluates the information and data collected under this section of subpart B to verify that an ongoing/completed OCS operation is/was conducted in compliance with established environmental standards placed on the activity.

For §§ 250.287–295—Deepwater Operations Plan (DWOP): BSEE analyzes and evaluates the information and data collected under this section of subpart B to ensure that planned operations are safe; will not adversely affect the marine, coastal, or human environment; and will conserve the resources of the OCS. We use the information to make an informed decision on whether to approve the proposed DWOPs, or whether modifications are necessary without the analysis and evaluation of the required information.

Title of Collection: 30 CFR 250, Subpart B, Plans and Information.

OMB Control Number: 1014–0024.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 21.

Estimated Completion Time per Response: Varies from 50 hours to 2,200 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 22,458.

Respondent's Obligation: Most responses are mandatory; while some are required to obtain or retain a benefit.

Frequency of Collection: Submissions are generally on occasion.

Total Estimated Annual Nonhour Burden Cost: $32,391.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19351 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0013; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0023]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Pollution Prevention and Control

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0023 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020 (85 FR 52149). 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 authority and responsibility are among those delegated to BSEE. The regulations at 30 CFR 250, subpart C requirements concern pollution prevention and control and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional

guidance on some aspects of our regulations.

The information collected under Subpart C is used in our efforts to:

- Record the location of items lost overboard to aid in recovery during site clearance activities on the lease;
- conduct operations according to all applicable regulations, requirements, and in a safe and workmanlike manner;
- properly handle for the protection of OCS workers and the environment the discharge or disposal of drill cuttings, sand, and other well solids, including those containing naturally occurring radioactive materials (NORM); and
- inspect facilities daily for the prevention of pollution and ensure that any observed problems are corrected.

Title of Collection: 30 CFR part 250, subpart C, Pollution Prevention and Control.

OMB Control Number: 1014–0023.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 3,273.

Estimated Completion Time per Response: Varies from 1 hour to 134 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 137,940.

Respondent's Obligation: Responses are mandatory.

Frequency of Collection: Submissions are generally on occasion, weekly, and daily.

Total Estimated Annual Nonhour Burden Cost: None.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19350 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0011; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0005]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Relief or Reduction in Royalty Rates

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0005 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020 [85 FR 52148]. 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 authority and responsibility are among those delegated BSEE. The regulations at 30 CFR Part 203, are the subject of this collection. This request also covers the related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations. The information collected under 30 CFR part 203, Relief or Reduction in Royalty Rates is used in our efforts to make decisions on the economic viability of leases requesting a suspension or elimination of royalty or net profit share. These decisions have enormous monetary impact on both the lessee and the Federal government. Royalty relief can lead to increased production of natural gas and oil, creating profits for lessees, and royalty and tax revenues for the Federal

government that they might not otherwise receive. We could not make an informed decision without the collection of information required by 30 CFR part 203.

Title of Collection: 30 CFR part 203, Relief or Reduction in Royalty Rates.

OMB Control Number: 1014–0005.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 28.

Estimated Completion Time per Response: Varies from 1 hour to 2,000 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 724.

Respondent's Obligation: Some responses are mandatory; while others are required to obtain or retain a benefit.

Frequency of Collection: Submissions are generally on occasion.

Total Estimated Annual Nonhour Burden Cost: $27,950.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19345 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0012; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0017]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Safety and Environmental Management Systems

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0017 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020 (85 FR 52145). 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: Regulations governing Safety and Environmental Management Systems (SEMS) are covered in 30 CFR 250, subpart S and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

We consider the information to be critical for us to monitor industry's operations record of safety and environmental management on the OCS. The Subpart S regulations hold the operator accountable for the overall safety of the offshore facility, including ensuring that all employees, contractors, and subcontractors have safety policies and procedures in place that support the implementation of the operator's SEMS program and align with the principles of managing safety. An operator's SEMS program must describe management's commitment to safety and the environment, as well as policies and procedures to assure safety and environmental protection while conducting OCS operations (including those operations conducted by all personnel on the facility). BSEE will use the information obtained by submittals and observed via SEMS audits to ensure that operations on the OCS are conducted safely, as they pertain to both human and environmental factors, and in accordance with BSEE regulations, including industry practices incorporated by reference within the regulations. Job Safety Analyses (JSA's)

and other recordkeeping required by the SEMS regulation will be reviewed diligently by BSEE during inspections and other oversight activities and by SEMS auditors during regulatory required audits, to ensure that industry is using the documentation required by the SEMS regulation to manage their safety and environmental risks.

Information on Form BSEE–0131, which the SEMS regulation requires to be submitted to BSEE annually, includes company identification, number of company/contractor injuries and/or illnesses suffered, company/contractor hours worked, EPA National Pollutant Discharge Elimination System (NPDES) permit non-compliances, and oil spill volumes for spills less than 1 barrel. Such information is reported on a calendar year basis, with data broken out by calendar quarter. The information is used to develop industry average incident rates that help to describe how well the offshore oil and gas industry is performing. Operators use these incident rates to benchmark against their own performance, and to focus on areas that need improvement. Using the produced data allows BSEE to better focus our regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting our expectations. BSEE will be more effective in leveraging resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection and Directed Audit program emphasis based on performance results.

Title of Collection: 30 CFR part 250, subpart S, Safety and Environmental Management Systems (SEMS).

OMB Control Number: 1014–0017.

Form Number: BSEE–0131, Performance Measures Data.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way and/or third-party personnel or organization.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 686.

Estimated Completion Time per Response: Varies from 39 hours to 11,926 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,487,634.

Respondent's Obligation: Responses are mandatory.

Frequency of Collection: Submissions are on occasion.

Total Estimated Annual Nonhour Burden Cost: $3,259,727.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19348 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2020–0014; EEEE500000 21XE1700DX EX1SF0000.EAQ000; OMB Control Number 1014–0007]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Oil-Spill Response Requirements for Facilities Located Seaward of the Coastline

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Kye Mason, BSEE ICCO, 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0007 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 August 24, 2020 (85 FR 52147). 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: The Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990 (OPA), requires that a spill-response plan be submitted for offshore facilities prior to February 18, 1993. The OPA specifies that after that date, an offshore facility may not handle, store, or transport oil unless a plan has been submitted. Regulations at 30 CFR 254 establish requirements for spill-response plans for oil-handling facilities seaward of the coastline, including associated pipelines. BSEE uses the information collected under 30 CFR 254 to determine compliance with OPA by lessees/operators. Specifically, BSEE needs the information to:

- Determine that lessees/operators have an adequate plan and are sufficiently prepared to implement a quick and effective response to a discharge of oil from their facilities or operations.
- Review plans prepared under the regulations of a State and submitted to BSEE to satisfy the requirements in 30 CFR 254 to ensure that they meet minimum requirements of OPA.
- Verify that personnel involved in oil-spill response are properly trained and familiar with the requirements of the spill-response plans and to lead and witness spill-response exercises.
- Assess the sufficiency and availability of contractor equipment and materials.
- Verify that enough quantities of equipment are available and in working order.
- Oversee spill-response efforts and maintain official records of pollution events.
- Assess the efforts of lessees/operators to prevent oil spills or prevent substantial threats of such discharges.

Title of Collection: 30 CFR 254, Oil-Spill Response Requirements for Facilities Located Seaward of the Coastline.

OMB Control Number: 1014–0007.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 1,675.

Estimated Completion Time per Response: Varies from .5 hour to 165 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 60,989.

Respondent's Obligation: Most responses are mandatory; while some are required to obtain or retain a benefit.

Frequency of Collection: Submissions are on occasion, monthly, annually, and biennially.

Total Estimated Annual Nonhour Burden Cost: None.

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.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2021–19344 Filed 9–3–21; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1280]

Certain Laptops, Desktops, Servers, Mobile Phones, Tablets, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 2, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Sonrai Memory Ltd. of Ireland. An amended complaint was filed on August 6, 2021. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laptops, desktops, servers, mobile phones, tablets, and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,159,766 (''the '766 Patent''); U.S. Patent No. 7,325,733 (''the '733 Patent''); and U.S. Patent No. 8,193,792 (''the '792 Patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, as amended, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION: *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 31, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 3–6, 8, 10, 13–14, 16–21, 25–27, 45, 47–50, 54–58, and 60 of the '766 patent; claims 1–3, 6–7, 9, 11–15, 17–18, 20–23, and 25 of the '733 patent; and claims 1–18 of the '792 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''laptop computers, desktop computers, servers, mobile phones, tablets, and components thereof'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and

hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Sonrai Memory Ltd., Suite 23, The Hyde Building, Carrickmines, Dublin 18, Ireland.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Amazon.Com, Inc., 410 Terry Avenue North, Seattle, WA 98109
Dell Technologies Inc., One Dell Way, Round Rock, TX 78682
EMC Corporation, One Dell Way, Round Rock, TX 78682
Lenovo Group Ltd., 6 Chuang ye Road, Haidian District, Beijing 100085, China
Lenovo (United States) Inc., 1009 Think Place, Building One, Morrisville, NC 27560
Motorola Mobility LLC, 222 W Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654
LG Electronics Inc., LG Twin Tower 128 Yeoui-daero, Yeongdeungpo-gu, Seoul, 07336, South Korea
LG Electronics USA, Inc., 1000 Sylvan Ave., Englewood Cliffs, NJ 07632
Samsung Electronics Co., Ltd., 129 Samsung-Ro, Maetan-3dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443–742, South Korea
Samsung Electronics America, Inc., 85 Challenger Rd., Ridgefield Park, NJ 07660

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 31, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–19165 Filed 9–3–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–662 and 731–TA–1554 (Final)]

Pentafluoroethane (R–125) From China; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–662 and 731–TA–1554 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of pentafluoroethane (R–125) from China, provided for in subheadings 2903.39.20 and 2903.39.29 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized and sold at less-than-fair-value.

DATES: August 17, 2021.

FOR FURTHER INFORMATION CONTACT: Ahdia Bavari ((202) 205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''pentafluoroethane (R–125), or its chemical equivalent, regardless of form, type or purity level. R–125 has the Chemical Abstracts Service (CAS) registry number of 354–33–6 and the chemical formula C2HF5. R–125 is also referred to as Pentafluoroethane, Genetron HFC 125, Khladon 125, Suva 125, Freon 125, and Fc-125. R–125 that has been blended with other products is included within the scope if such blends contain 85% or more by volume R–125, on an actual percentage basis. However, R–125 incorporated into a blend that conforms to ANSI/ASHRAE Standard 34 is excluded from the scope of these investigations. When R–125 is blended with other products and otherwise falls under the scope of these investigations, only the R–125 component of the mixture is covered by the scope of these investigations.

Subject merchandise also includes purified and unpurified R–125 that is processed in a third country or otherwise outside the customs territory of the United States, including, but not limited to, purifying, blending, or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the in-scope R–125. The scope also includes R–125 that is commingled with R–125 from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

Excluded from the scope is merchandise covered by the scope of the antidumping order on Hydrofluorocarbon Blends from the People's Republic of China, including

merchandise subject to the affirmative anti-circumvention determination in Hydrofluorocarbon Blends from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R–32/R–125 Blends, 85 FR 15428 (March 18, 2020). See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order, 81 FR 55436 (August 19, 2016) (the Blends Order).

R–125 is entered under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2903.39.2035 and 2903.39.2938. Merchandise subject to the scope may also be entered under HTSUS subheadings 2903.39.2045, 3824.78.0020, and 3824.78.0050. The HTSUS subheadings and CAS registry number are provided for convenience and customs purposes. The written description of the scope of these investigations is dispositive.''

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of pentafluoroethane (r-125), and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on January 12, 2021, by Honeywell International, Inc.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on November 30, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, December 14, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Tuesday, December 7, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Thursday, December 9, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is December 7, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 21, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before December 21, 2021. Parties may submit supplemental comments on Commerce's final countervailing and antidumping duty determinations on or before January 7, 2022. Supplemental party comments may address only Commerce's final determinations and may not exceed five (5) pages in length. On January 26, 2022, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before January 28, 2022, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*, elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: September 1, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–19316 Filed 9–3–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Uvienome Linda Sakor, N.P.; Decision and Order

I. Introduction

On June 19, 2019, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Uvienome Sakor, N.P., also known as Uvienome Linda Sakor, N.P., (hereinafter, Respondent) of Douglasville, Georgia. OSC, at 1. The OSC proposed the revocation of Respondent's Certificate of Registration No. MS1972101, the denial of any pending applications for renewal or modification of that registration, and the denial of any applications for additional DEA registrations for two reasons. *Id.* First, it alleged that Respondent ''materially falsified multiple renewal applications . . . filed with the DEA.'' *Id.* (citing 21 U.S.C. 824(a)(1)). Second, it alleged that Respondent ''pled guilty to a felony relating to controlled substances.'' OSC, at 1 (citing 21 U.S.C. 824(a)(2)).

Specifically, the OSC alleged that Respondent entered a guilty plea in Georgia Superior Court to one count of Forgery in the First Degree ''for attempting to fill a forged controlled substance prescription.'' OSC, at 2. This OSC allegation acknowledged that, under Georgia's First Offender Act, Respondent was discharged from probation, was exonerated of any criminal purpose, and is not considered to have a criminal conviction. *Id.*

Second, the OSC alleged that Respondent entered into a Consent Order with the Georgia Board of Nursing (hereinafter, GBN) for her failure to report her Forgery guilty plea as required by Georgia statute. *Id.* It also alleged that the Consent Order placed Respondent on probation for two years. *Id.*

Third, the OSC alleged that Respondent submitted three materially false registration renewal applications after her guilty plea because she did not respond affirmatively to the first Liability question. *Id.* at 2–3. Similarly, the OSC alleged that Respondent submitted two materially false registration renewal applications after the beginning of the Consent Order's probationary period because she did not respond affirmatively to the third Liability question. *Id.* at 3.

Fourth, the OSC alleged that Respondent's guilty plea to the state Forgery charge implicates 21 U.S.C. 824(a)(2). *Id.*

The OSC notified Respondent 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 4 (citing 21 CFR 1301.43). The OSC also notified Respondent of the opportunity to submit a corrective action plan. OSC, at 4–5 (citing 21 U.S.C. 824(c)(2)(C)).

The Government forwarded its Request for Final Agency Action (hereinafter, RFAA), along with the evidentiary record, to this office on September 5, 2019. Attached to the RFAA is the Declaration of a DEA Diversion Investigator (hereinafter, DI) that is signed and sworn to under penalty of perjury. RFAA Exhibit (hereinafter, RFAAX) 6 (Declaration of Diversion Investigator, dated September 5, 2019 (hereinafter, DI Declaration)). The DI Declaration states that the DI ''personally served'' the OSC on Respondent at her registered location on June 24, 2019. *Id.* at 3. I credit the DI's sworn statement.

Respondent waived her right to a hearing and filed a written statement. RFAAX 3 (Respondent's Written Statement, dated July 17, 2019 (hereinafter, Written Statement)), at 1. Her Written Statement explicitly references the OSC. *Id.*

Based on all of the evidence in the record, I find that the Government's service of the OSC was legally sufficient. In addition, based on all of the evidence in the record, I find that Respondent timely filed her Written Statement. 21 CFR 1301.43.

I issue this Decision and Order based on the Government's submission, which includes the Written Statement, and is the entire record before me. 21 CFR 1301.43(e).

II. Findings of Fact

A. Respondent's DEA Controlled Substance Registration

Respondent is the holder of DEA Certificate of Registration No. MS1972101 at the registered address of 6559 Church St., Douglasville, GA 30134–1885. RFAAX 1 (Certification of Registration History, dated September 4, 2019), at 1. Pursuant to this registration, Respondent is authorized to dispense controlled substances in schedules III through V as a MLP-nurse practitioner.[1] *Id.* Respondent's registration expired on February 28, 2021, and is in an ''active pending status.'' *Id.*

B. The Investigation of Respondent

According to the DI assigned to this matter, ''a large number of prescriptions that had been issued by . . . [Respondent] had been filled'' at a pharmacy the DI was investigating, and Respondent is the sister of the pharmacy's owner. RFAAX 6, at 1. The DI Declaration states that Respondent ''previously had been convicted of a felony involving forgery and that her nursing license had been placed on probation.'' *Id.* According to the DI Declaration, the DI's investigation included obtaining certified copies of records of the Superior Court of Douglas County and of the GBN. *Id.* at 2; *see also infra* section II.C.

C. The Government's Case

The Government's case includes five exhibits, one of which is the Written Statement.

The first exhibit is the Certification of Registration History. RFAAX 1. According to that Certification, Respondent submitted to the Agency registration renewal applications on December 31, 2011, February 25, 2015, and January 5, 2018. *Id.* at 1. On each of the three submissions, the Certification of Registration History states, Respondent answered ''No'' to whether she ''has . . . ever been convicted of a crime in connection with controlled substance(s) under state or federal law, . . . or any such action pending.'' *Id.* at 1–2, 4, 7, 10. Further, on each of the three submissions, according to the Certification of Registration History, Respondent answered ''No'' to whether she ''has

[1] MLP means Mid-Level Practitioner. 21 CFR 1300.01(b).

. . . ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending.'' *Id.* at 2, 4, 7, 10.

The next exhibit is the OSC, RFAAX 2, and the third exhibit is the Written Statement, RFAAX 3.

The next exhibit consists of ten documents certified by the ''Clerk Superior/State Court'' as true and correct copies from case ''10CR00980 State of Georgia vs. Linda U. Sakor.'' [2] RFAAX 4, at 1; *see also* RFAAX 6, at 2. The first document is one page consisting of the ''Petition for Discharge of Defendant (First Offender Act)'' and the signed ''Order of Discharge,'' dated March 20, 2012. RFAAX 4, at 2. In this document, a probation officer states that Respondent is ''eligible for discharge as shown by having fulfilled the term of . . . probation and upon review of . . . [her] criminal record.'' *Id.* Below the probation officer's statement, the Court's signed Order of Discharge states that (1) Respondent is ''discharged without Court adjudication of guilt,'' (2) the ''discharge shall completely exonerate . . . [Respondent] of any criminal purpose,'' (3) the ''discharge shall not affect any of . . . [Respondent's] civil rights or liberties,'' (4) Respondent ''shall not be considered to have a criminal conviction,'' and (5) the ''discharge may not be used to disqualify a person in any application for employment or appointment to office in either the public or private sector by reason of criminal conviction . . . unless otherwise provided by law.'' *Id.*

The second document, consisting of fifteen pages, is the ''Transcript of Proceedings'' of the criminal hearing on November 18, 2010. *Id.* at 3–17. The Transcript states that Respondent was present with her attorney ''to enter a negotiated guilty plea.'' *Id.* at 4. According to the Assistant District Attorney (hereinafter, ADA), Respondent changed employers in July of 2008. Early in 2009, the ADA stated, Respondent presented a prescription for hydrocodone, purportedly issued by her previous employer, to be filled at a pharmacy. *Id.* at 9. The ADA indicated that Respondent had forged the prescription in the name of her previous employer. *Id.* at 10. He also stated that ''[t]here's no evidence that there were any other forged prescriptions presented'' by Respondent. *Id.; see infra* section II.E. Respondent's Public Defender added that Respondent had ''retained the [prescription] pad after she had left their employ and basically she wrote *prescriptions* out for herself which basically she would have to have gone back to the doctor to get that authorized prior to the time this was done and that's not the way it was done.'' RFAAX 4, at 13 [emphasis added]; *see infra* section II.E.

When the Court invited her to speak, Respondent stated that ''nurse practitioners actually do have the authority and . . . [she has] the authority, . . . [has] the license to write prescriptions for people in the State of Georgia as in many other states, and that is part of . . . [her] job.'' RFAAX 4, at 14–15. She did not mention the controlled substance schedule parameters, schedules III through V, of her federal authority to issue controlled substance prescriptions. She finished by stating that she ''did the wrong thing in writing it for . . . [her]self.'' *Id.* at 15. When the Court asked her why she forged the prescription, she stated that she ''was having severe pain and could not make it to . . . [her] doctor's office.'' *Id.* When the Court asked her, she denied having ''any sort of drug abuse problem.'' *Id.* The Transcript ends with the Court imposing the recommended sentence and treating Respondent as a first offender. *Id.* at 15–16.

The third document is the one-page Plea Sheet filed on November 18, 2010. *Id.* at 18. The Plea Sheet shows that Respondent pled guilty to one count, that she was to undergo substance abuse counseling, that she was fined $1,000, and that she received a sentence of five years' probation with the possibility of four years being suspended ''after completion of 1st year of probation successfully.'' *Id.*

The fourth document is the one-page Waiver of Rights, dated November 18, 2010. *Id.* at 19. This document, signed by Respondent and her attorney, lists the rights that Respondent waived by pleading guilty. *Id.* Over the Court's signature, the document states that ''inquiry has been made of the . . . [Respondent] concerning the rights listed,'' that the Court is ''satisfied there is an adequate factual basis to support the guilty plea,'' and that the Court is satisfied that Respondent ''is acting knowingly, freely and voluntarily and no promise, threat or force has been used to induce the . . . [Respondent] to enter this plea.'' *Id.*

The document comprising the next three pages is the ''First Offender Treatment Order,'' the ''General Conditions of Probation,'' and the ''Special Conditions of Probation Imposed Pursuant to Code 42–8–34.1,'' dated November 18, 2010. *Id.* at 20–22. This document shows that Respondent ''negotiated'' a guilty plea to one count and was sentenced to five years, which may be served on probation, and the payment of a $1,000 fine. *Id.* at 20–21.

The sixth set of documents concerns the ''Felony Accusation'' about Respondent. *Id.* at 23–26. The documents indicate that Respondent pled guilty to one count of ''Forgery in the First Degree (O.C.G.A. 16–9–1)'' on November 18, 2010. *Id.* at 23, 24, and 26. Her attorney and the ADA signed the fully completed document along with Respondent. *Id.* at 26.

The next two documents, ''Entry of Appearance; and Notice of Intent to Engage in Reciprocal Discovery'' and ''Rule 5.2(2) Certificate of Service of Discovery,'' dated April 24, 2010, show that Respondent was represented by counsel at the proceedings. *Id.* at 27–28. These documents also show two ''unindicted'' case numbers. *Id.*

The ninth document is the two-page ''Affidavit for Arrest'' concerning Respondent, signed by a Douglas County Magistrate Judge on March 30, 2010. *Id.* at 29–30. The first page shows a warrant in the matter of ''The State of GA vs. [Respondent]'' charging four counts of Forgery, a Felony in the First Degree, with bail set at $16,000. *Id.* at 29. The second page of the ''Affidavit for Arrest'' shows a warrant in the matter of ''The State of GA vs. [Respondent]'' charging one count, Theft by Taking, a misdemeanor, with bail set at $1,000. *Id.* at 30.

The tenth and final document is entitled ''Arrest Warrant, County of Douglas, State of Georgia, Exhibit: A page 1 of 1'' to the Forgery in the First Degree ''Affidavit for Arrest,'' filed on April 2010.[3] *Id.* at 31. The ''Arrest Warrant'' describes four counts of Forgery in the First Degree. The first count concerns the ''knowing,'' ''with intent to defraud'' making of a ''certain writing in such a manner that the writing as made purports to have been made by authority of one . . . who did not give such authority at another time and did deliver said writing being a prescription for Hydrocodon [sic] and Phenergan.'' *Id.* The other three counts specifically concern the delivery to a pharmacy of forged prescriptions for Vicodin and Phenergan on September 8, 2009, Tussionex Pennkinetic on

[2] Although the certification for RFAAX 4 references ''Linda U. Sakor,'' five of the documents in RFAAX 4 refer to ''Uvienome Linda Sakor,'' three of the documents refer to ''Linda Sakor,'' one document refers to ''Linda U. Sakor,'' and one document does not refer to anyone by name. RFAAX 4, at 2 (Linda U. Sakor); *id.* at 3–26 (Uvienome Linda Sakor); *id.* at 27–30 (Linda Sakor); *id.* at 31 (no name). I find substantial record evidence that all of the documents in RFAAX 4 pertain to Respondent.

[3] The day in April is not legible. RFAAX 4, at 31.

November 6, 2009, and Vicodin, Ibuprofin, and Phenergan on November 11, 2009. *Id.*

The first page of the next exhibit is the Certification of the GBN, dated July 23, 2019, concerning its Consent Order with Respondent and the statement that ''Respondent has met the terms and conditions outlined in this order.'' RFAAX 5, at 1. The second page is the GBN letter to Respondent, dated July 20, 2015, advising Respondent that her ''license is unencumbered and free of the conditions imposed by'' the Consent Order. *Id.* at 2.

The remaining ten pages of RFAAX 5 is the June 25, 2013 Consent Order between Respondent and the GBN. *Id.* at 3–11. The first page of the Consent Order states that Respondent pled guilty, ''[o]n or about November 18, 2010,'' to the ''felony criminal offense of Forgery, First Degree in the Superior Court of Douglas County.'' *Id.* at 3. It also states that ''Respondent failed to report her felony conviction to the Board within ten (10) days of such conviction as required'' by Georgia statute. *Id.* Page three of the Consent Order states that, ''[u]pon the effective date of this Consent Order, the Respondent's license to practice as a registered professional nurse and authorization to practice as an advanced practice nurse in the State of Georgia shall be placed on probation for a period of two (2) years, or until lifted by the Board.'' *Id.* at 5. The Consent Order specifies that ''this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board.'' *Id.* at 10. The Consent order was approved on June 20, 2013, and docketed on June 25, 2013. *Id.* at 10, 3.

The last exhibit of the RFAA is the DI Declaration. RFAAX 6. In addition to certifying some of the Government's other exhibits and providing the origins of the investigation leading to the OSC, as already discussed, the DI Declaration affirms that Respondent pled guilty to one felony count ''for attempting to fill a forged controlled substance prescription'' and ''agreed [with the GBN], among other things, to be placed on probation for a period of two (2) years.'' *Id.* at 2.

D. Respondent's Case

As already discussed, Respondent submitted a timely Written Statement. *Supra* section I. In her Written Statement, Respondent stated that she was responding to the ''material falsification of renewal applications for . . . [her] DEA license'' by ''writ[ing] a statement of explanation.'' [4] RFAAX 3, at 1. Respondent began the explanation by stating that ''[i]n the year 2008, . . . [she] made a very grave mistake which . . . [she] will forever regret.'' *Id.* She elaborated, stating that she ''wrote a prescription for . . . [her]self in 2008 on a prescription pad which belonged to . . . [her] collaborating physician.'' *Id.* The prescription, according to her Written Statement, ''was for Vicodin which is also known as Hydrocodone 5/500 mg.'' *Id.* She ''did this,'' she stated, ''because . . . [she] was in severe menstrual pain and could not make it to see . . . [her] personal physician to prescribe this medication for . . . [her].'' *Id.* Respondent wrote that she ''presented this prescription to a local pharmacy who notified the physician . . . [she] worked with, and then proceeded to notify the local authorities.'' *Id.* She stated that ''[s]ince then . . . [she has] undergone a lot of emotional stress regarding the risk . . . [she] placed . . . [her] career in.'' *Id.*

According to her Written Statement, she pleaded *nolo contendere* and ''was sentenced under the first offender act [sic] and upon completion of . . . [her] one-year probation was noted not to have a felony conviction.'' *Id.* ''It was based on this understanding,'' Respondent wrote, ''that . . . [she] responded to the questions in . . . [her] subsequent DEA renewal applications.'' *Id.* Specifically, she admitted that ''[i]n December of 2011 on . . . [her] DEA renewal application, . . . [she] responded 'No' to liability question 1 with the understanding that . . . [she] was not guilty of a felony substance control conviction.'' *Id.*

Regarding her nursing license, Respondent stated that she ''answered 'Yes' on the renewal of . . . [her GBN] license to the questions regarding a pleading Nolo Contedere [sic] and was then placed on a two-year probationary period in 2013 which after careful monitoring was lifted in 2013.'' *Id.* According to her Written Statement, she ''underwent psychological evaluation and testing requested by the . . . [GBN] which concluded that . . . [she] did not have substance abuse problems and was able to practice safely as a nurse.'' *Id.* Regarding the registration renewal applications she submitted, she admitted that, in 2015 and 2018, she ''answered ''no'' to liability question 2 [sic] with the understanding because at that time . . . [her] nursing license was no longer under probation.'' [5] *Id.*

Respondent addressed her three false answers to the first Liability question on the registration renewal applications she submitted in December, 2011, February, 2015, and January, 2018, and her two false answers to the third Liability question on the registration renewal applications she submitted in 2015 and in 2018. *Id.* She stated that she ''did not intentionally answer these questions to misrepresent or give false information for . . . [her] DEA application.'' *Id.* Respondent wrote that she ''also renewed . . . [her] Georgia nursing license and when faced with similar questioning ha[s] answered yes to . . . [her] Nolo Contendere plea with an explanation of the situation.'' *Id.* She did not attach documentary evidence to support this assertion.

Respondent's Written Statement states that she ''prescribe[s] medications to patients in . . . [her] role as a nurse practitioner'' and that she has practiced as a nurse, and then a nurse practitioner, ''for the past 25 years.'' *Id.* Respondent stated that she ''cannot emphasize how sorry . . . [she] is that . . . [she has] placed [her]self in such a position.'' *Id.* at 2. She stated that she is a mother of two and a wife, that she has ''worked hard throughout . . . [her] life to have a successful career which . . . [she] placed in jeopardy,'' and that she is ''an upstanding member of . . . [her] community and church and [has] never abused any medications.'' *Id.* The Written Statement characterizes the ''circumstances'' as her ''unwittingly submit[ting] the wrong responses on . . . [her] renewal applications,'' and, ''instead of a complete revocation'' of her registration, ''appeal[s]'' for ''a period of either probation or suspension with monitoring and the ability to reapply or renew'' her registration. *Id.*

I find substantial record evidence that Respondent admitted, in her Written Statement, to writing a prescription for herself in 2008 on a prescription pad belonging to her collaborating physician. *Id.* at 1. This wrongdoing by Respondent is not set out in the Government's case. While the Government's case presents evidence of one negotiated guilty plea by Respondent arising from events in 2009, I find substantial record evidence that the Written Statement references ''a very grave mistake'' of forgery by Respondent in 2008. *Compare* RFAAX 4, 3–16 and *id.* at 29–31 with RFAAX 3, at 1; *see also* RFAAX 5, at 1 (referring to Respondent's ''plea of guilty to the felony criminal offense of Forgery, First Degree in the Superior Court of Douglas County . . . pertain[ing] to her forging prescriptions in 2009 for pain medication for her own use''). I further

[4] Respondent explicitly ''request[ed] a waiver of a hearing.'' RFAAX 3, at 1.

[5] Respondent may have meant to refer to Liability question ''3,'' not ''2.''

find, based on substantial record evidence, that the ''Affidavit for Arrest'' and the ''Arrest Warrant'' state that Respondent presented four forged prescriptions for filling in 2009, the year after Respondent's 2008 ''very grave mistake'' forgery admission described in her Written Statement. RFAAX 4, at 29–31. I find substantial record evidence that one of the instances described in the Arrest Warrant corresponds to the facts underlying Respondent's negotiated guilty plea according to the Transcript of that plea. *Id.* at 9.

There is substantial fact congruity between the evidence submitted by the Government and Respondent's Written Statement. The glaring exceptions to this substantial fact congruity are the number of controlled substance prescription forgeries the evidence indicates and the number of times Respondent pled to forging a controlled substance prescription.

Regarding the number of controlled substance prescription forgeries the evidence indicates, there are significant differences between the Written Statement's description of the forgery Respondent states took place in 2008, and the forgery underlying her 2009 guilty plea documented in the Government's evidence along with the alleged forgeries described in the Arrest Warrant. These significant differences lead me to conclude that they describe two different forgeries. For example, in its description of the four purported self-prescribed controlled substance prescriptions, the Arrest Warrant differentiates between brand names and generic names for controlled substances. *See, e.g.,* RFAAX 4, at 31 (Arrest Warrant description of four purported self-prescribed controlled substance prescriptions for ''hydrocodone,'' ''Vicodin,'' ''Tussionex Pennkinetic,'' and ''Vicodin''). The Written Statement states that the forged prescription she wrote for herself in 2008 ''was for Vicodin which is also known as Hydrocodone 5/500 mg.'' RFAAX 3, at 1. The Transcript of Respondent's guilty plea, on the other hand, describes the forged prescription of 2009 to have been for ''hydrocodone.'' RFAAX 4, at 7. While the Written Statement explains that ''Vicodin is also known as Hydrocodone,'' this is in direct contrast to the record evidence in the Arrest Warrant that provides the precise name of the controlled substance entered on the purportedly forged prescriptions. Accordingly, in this context, I find that ''Vicodin,'' not ''hydrocodone,'' is a noteworthy departure and points to two different forgeries.

By way of further example, according to the Written Statement, Respondent wrote the Vicodin prescription for herself in 2008 ''on a prescription pad which belonged to . . . [her] collaborating physician'' and she ''presented this prescription to a local pharmacy who notified the physician . . . [she] worked with and then proceeded to notify the local authorities.'' RFAAX 3, at 1. According to the Transcript of her 2009 guilty plea, by contrast, the prosecutor stated that Respondent left the employ of a medical practice in 2008 to work for another medical practice. RFAAX 4, at 9. Several months after that job change, he stated, Respondent presented a forged hydrocodone prescription written on a pad that belonged to the previous employer. *Id.* at 9–10. The pharmacy contacted Respondent's new employer and then the previous employer who ''informed them that he did not write or authorize this prescription.'' *Id.* at 10. The previous medical practice notified law enforcement. *Id.* Neither Respondent nor her Public Defender corrected any part of these prosecutor statements. Instead, the Public Defender added that Respondent had retained the prescription pad from the former employer and forged the prescription while at the subsequent employment. *Id.* at 11. I find that the differences between the Written Statement and the guilty plea Transcript on these critical points are too significant to result from faulty memory. I further find that the absence of any correction of those differences by Respondent or her Public Defender during the guilty plea proceeding means that the 2008 forgery described in the Written Statement and the forgery to which Respondent pled guilty in 2009 are not the same. Consequently, I find that the Written Statement describes a different forgery than the forgery to which Respondent pled guilty and the forgeries alleged in the Arrest Warrant. RFAAX 4, at 31. I consider the fact that the 2009 guilty plea for forging a controlled substance in the Government's evidence was not an isolated incident in determining the appropriate sanction.[6] *Infra* section IV.

Regarding the number of forgery pleas, the Written Statement describes a 2008 *nolo contendere* plea for forging a controlled substance prescription. RFAAX 3, at 1. The conviction described in the Government's evidence is a 2009 guilty plea for forging a controlled substance prescription on February 5, 2009. RFAAX 4, at 3–16; *see also* RFAAX 5, at 1 (referring to Respondent's ''plea of guilty to the felony criminal offense of Forgery, First Degree in the Superior Court of Douglas County . . . pertain[ing] to her forging prescriptions in 2009 for pain medication for her own use''). I need not sort out whether there were two pleas or one plea because the OSC alleges one felony conviction and because I am carrying out the provisions of 21 U.S.C. 824 regarding that felony conviction alleged in the OSC. 28 CFR 0.100(b). Whether Respondent pled *nolo contendere* to a violation in 2008 is not an issue presented by the OSC, is not before me for adjudication, and, therefore, I shall not resolve it.

E. Allegation That Respondent Has Been Convicted of a Felony Related to a Controlled Substance (21 U.S.C. 824(a)(2))

I find that there is substantial record evidence that Respondent, after leaving employment at a medical practice, retained a prescription pad of a doctor in that medical practice. *Id.* at 13 (statement of Respondent's attorney). I find that there is substantial record evidence that Respondent used the prescription pad after leaving that employment to ''wr[i]te prescriptions out for herself'' without authorization of the doctor to whom the prescription pad belonged. *Id.* (statement of Respondent's attorney). I find that there is substantial record evidence that Respondent ''would have to have gone back to the doctor to get that [prescription] authorized prior to the time this was done and that's not the way it was done.'' *Id.* (statement of Respondent's attorney).

I find that there is substantial record evidence that Respondent presented for filling a controlled substance (hydrocodone) prescription on February 5, 2009, that this prescription purported to be issued by a doctor at her former employment, and that this prescription was one of the unauthorized prescriptions Respondent wrote for herself on the prescription pad of a doctor at her former employment. *Id.* at 9.

I find that there is substantial record evidence that the pharmacist investigated this prescription. *Id.* at 10. I find that there is substantial record evidence that the doctor for whom Respondent had previously worked stated that he neither wrote nor authorized the prescription, that this doctor notified his practice, and that the practice notified law enforcement. *Id.* I find that there is substantial record evidence that the prosecutor at Respondent's sentencing stated that

[6] Although I find this fact relevant to my determination of a sanction, there is more than enough record evidence without it to support revocation as a sanction based on the Government's *prima facie* case.

''[t]here's no evidence that there were any other forged prescriptions presented by . . . [Respondent].'' *Id.* I find that there is substantial record evidence that Respondent's attorney stated that Respondent ''retained the [prescription] pad after she had left . . . [her prior medical office employer's] employ and basically she wrote prescriptions out for herself.'' *Id.* at 13. I further find that the ''Arrest Warrant'' for Respondent describes four allegations of Forgery in the First Degree, including presenting those forged prescriptions to a pharmacy for filling, spanning February 5, 2009, through November 11, 2009. *Id.* at 31. I credit the statement of Respondent's attorney and the items addressed in the ''Arrest Warrant'' for Respondent. I conclude that the statement of Respondent's attorney, that Respondent ''wrote prescriptions for herself,'' was made to ensure that all of Respondent's alleged criminality was subsumed in her guilty plea. *Id.* at 13. Given, among other reasons, that the statement of Respondent's attorney implicated Respondent in criminality in addition to the one instance to which she pled guilty through a ''negotiated plea,'' I credit the statement of Respondent's attorney, which I consider in my determination of Respondent's appropriate sanction. *Id.* at 10; *supra* section II.C.

Based on substantial record evidence, I find that Respondent entered a negotiated guilty plea to Forgery in the First Degree, Ga. Code Ann. 16–9–1, a Georgia felony, and that the Court accepted her guilty plea on November 18, 2010. RFAAX 4, at 3–5, 9, 20, 26 (hydrocodone prescription); *see also* RFAAX 5, at 3 (''forging prescriptions''). I find that there is substantial record evidence that the facts underlying Respondent's First-Degree Felony conviction include her having forged and presented for filling a controlled substance, hydrocodone, prescription for herself, and that the Court ordered Respondent discharged under the Georgia Probation for First-Offenders Act. RFAAX 4, at 9–10; *id.* at 2.

F. Allegation That Respondent Materially Falsified Registration Renewal Applications (21 U.S.C. 824(a)(1))

I find clear, unequivocal, and convincing evidence that, on November 18, 2010, the Honorable William H. McClain, Superior Court Judge of Douglas County, Georgia, found that Respondent pled guilty to one count of Forgery in the First Degree under Georgia law, ''freely and voluntarily, with a full knowledge, understanding in waiver of her rights, there's a factual basis, and no promises, threats or force has been used to induce'' her plea. *Id.* at 13; *see also id.* at 4–9. I find clear, unequivocal, and convincing record evidence that the facts underlying the Georgia felony to which Respondent pled guilty are that she forged and presented for filling a controlled substance (hydrocodone) prescription made out to herself on prescription paper belonging to a former physician employer. *Id.* at 9–10, 13. I find clear, unequivocal, and convincing record evidence that Judge McClain accepted her guilty plea, imposed sentence, and treated Respondent as a first offender on November 18, 2010. *Id.* at 15–16; *see also id.* at 20–22. I find clear, unequivocal, and convincing record evidence that, on November 18, 2010, when Judge McClain asked her before imposing sentence if ''there [is] anything that . . . [she] would like to say,'' Respondent replied that she would ''[j]ust . . . enlighten people that nurse practitioners actually do have the authority and . . . [she] do[es] have the authority, . . . the license to write prescriptions for people in the State of Georgia as in many other states, and that is part of . . . [her] job.'' *Id.* at 14–15. I find clear, unequivocal, and convincing record evidence that Respondent also stated that she ''did the wrong thing in writing it for [her]self.'' *Id.* at 15. I find clear, unequivocal, and convincing record evidence that, when Judge McClain asked her whether she had ''any sort of drug abuse problem,'' Respondent answered, ''No, I do not.'' *Id.*

I find clear, unequivocal, and convincing record evidence that, after her felony guilty plea and sentencing on November 18, 2010, Respondent submitted registration renewal applications to the Agency on December 31, 2011, on February 25, 2015, and on January 5, 2018. RFAAX 1, at 1–10; *see also* RFAAX 3, at 1–2. I find clear, unequivocal, and convincing record evidence that, on those three registration renewal applications, Respondent answered ''no'' to the first Liability question that asked whether she had ''ever been convicted of a crime in connection with controlled substance(s) under state or federal law . . . or any such action pending?'' RFAAX 1, at 1–2, 4, 7, 10. I find clear, unequivocal, and convincing record evidence that Respondent admitted in her Written Statement that she answered ''no'' to this liability question ''in . . . [her] subsequent DEA renewal applications.'' RFAAX 3, at 1. I find clear, unequivocal, and convincing record evidence that Respondent stated that she provided this negative answer in ''December of 2011 . . . with the understanding that . . . [she] was not guilty of a felony substance control conviction.'' *Id.*

I find clear, unequivocal, and convincing record evidence that, on June 25, 2013, the GBN placed Respondent's Georgia Nurse Practitioner license on probation for two years due to her ''fail[ure] to report her felony conviction to the . . . [GBN] within ten (10) days of such conviction.'' RFAAX 5, at 3–11, citing Ga. Code Ann. 43–1–27.[7] I find clear, unequivocal, and convincing record evidence that, after the GBN placed her nurse practitioner license on probation on June 25, 2013, Respondent submitted registration renewal applications to the Agency on February 25, 2015 and on January 5, 2018. RFAAX 1, at 1–10; *see also* RFAAX 3, at 1–2. I find clear, unequivocal, and convincing record evidence that, on those two registration renewal applications, Respondent answered ''no'' to the third Liability question that asked whether she had ''ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending.'' RFAAX 1, at 1–2, 4, 7, 10. I find clear, unequivocal, and convincing record evidence that Respondent admitted in her Written Statement that she answered ''no'' to this liability question in 2015 and in 2018. RFAAX 3, at 1. I find clear, unequivocal, and convincing record evidence that Respondent stated that she provided these two negative answers ''with the understanding because at that time . . . [her] nursing license was no longer under probation.'' *Id.*

III. Discussion

A. The Controlled Substances Act

Under the Controlled Substances Act (hereinafter, CSA), ''[a] registration . . . to . . . distribute[ ] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant—(1) has materially falsified any application filed pursuant to or required by this subchapter or

[7] ''Any licensed individual who is convicted under the laws of this state, the United States, or any other state, territory, or country of a felony as defined in paragraph (3) of subsection (a) of Code Section 43–1–19 shall be required to notify the appropriate licensing authority of the conviction within ten days of the conviction. The failure of a licensed individual to notify the appropriate licensing authority of a conviction shall be considered grounds for revocation of his or her license, permit, registration, certification, or other authorization to conduct a licensed profession.''

subchapter II; [or] (2) has been convicted of a felony under . . . any . . . law of the United States, or of any State, relating to any substance defined in this subchapter as a controlled substance,'' among other reasons. 21 U.S.C. 824(a). The OSC alleged material falsification and felony conviction as the proposed bases for revocation of Respondent's registration. 21 U.S.C. 824(a)(1) and (2).

B. Allegation That Respondent Materially Falsified an Application (21 U.S.C. 824(a)(1))

As already discussed, I find clear, unequivocal, and convincing record evidence that Respondent submitted to the Agency three registration renewal applications containing a false answer to the first Liability question. *Supra* section II.F. Also, as already discussed, I find clear, unequivocal, and convincing record evidence that Respondent submitted to the Agency two registration renewal applications containing a false answer to the third Liability question. *Id.* My findings that Respondent submitted these false answers to the Agency stem from Respondent's conviction for violating a Georgia First-Degree Felony when she forged and presented for filling a controlled substance prescription for herself. *Id.; infra* section III.C. Further, my fact findings directly implicate three of the factors I am statutorily mandated to consider as I act on applications for registration: The applicant's experience in dispensing controlled substances, the applicant's conviction record under Federal or State laws relating to the dispensing of controlled substances, and other conduct which may threaten the public health and safety. 21 U.S.C. 823(f)(2), (3), and (5). Thus, Respondent's false responses on three registration renewal applications directly implicated my statutorily-mandated analyses and decisions by depriving me of legally relevant facts when I evaluated those three registration renewal applications of Respondent. RFAAX 1, at 1–11; *see also Frank Joseph Stirlacci, M.D.,* 85 FR 45,229, 45,235 (2020). Accordingly, I find, based on the CSA and the analyses underlying multiple Supreme Court decisions explaining ''materiality,'' that the five false Liability question responses Respondent submitted to the Agency in the three registration renewal applications at issue were material, and that the five false responses are grounds for the suspension or revocation of her registration. 21 U.S.C. 824(a)(1); *see Frank Joseph Stirlacci, M.D.,* 85 FR 45,235.

According to the Written Statement, Respondent ''responded 'No' to liability question 1 with the understanding that . . . [she] was not guilty of a felony substance control conviction.'' RFAAX 3, at 1. Due to the clear, unequivocal, and convincing record evidence, I do not credit this portion of Respondent's Written Statement.[8] *See, e.g.,* RFAAX 4, at 9 and RFAAX 5, at 3; *see also infra* section III.C.

Respondent's Written Statement also states that she ''answered 'No' '' to the third Liability question ''with the understanding because at that time . . . [her] nursing license was no longer under probation.'' RFAAX 3, at 1. I do not credit this portion of Respondent's Written Statement because the third Liability question asks whether the applicant ''*ever* . . . had a state professional license . . . placed on probation.'' RFAAX 1, at 4; *id.* at 10 [emphasis added].

C. Allegation That Respondent Has Been Convicted of a Felony Related to Any Controlled Substance (21 U.S.C. 824(a)(2))

As already discussed, I find substantial record evidence that Respondent entered a negotiated guilty plea to Forgery in the First Degree, Ga. Code Ann. 16–9–1, a Georgia felony, on November 18, 2010.[9] *Supra* section II.E. I also find substantial record evidence that the facts underlying Respondent's First-Degree Felony conviction include her having forged a controlled substance prescription for herself. *Id.*

Based on the facts I found in this matter, I conclude that Respondent has been convicted of a felony under a State law relating to a controlled substance. 21 U.S.C. 824(a)(2). First, to state the obvious, the state of Georgia used its First-Degree Felony Forgery statute to prosecute and convict Respondent of forging a controlled substance prescription even though that Georgia statute does not include the phrase ''controlled substance'' in its text. *See* n.9. Georgia's choice of this forgery statute shows that Respondent was convicted of a felony under a state law relating to any controlled substance. 21 U.S.C. 824(a)(2).

Second, according to the Supreme Court, the phrase ''in relation to'' is interpreted expansively, and means ''with reference to'' or ''as regards.'' *Smith* v. *United States,* 508 U.S. 223, 237 (1993). The *Smith* decision involved an offer to trade an automatic weapon for cocaine. 508 U.S. at 225. The decision addressed the question of whether the exchange of a firearm for cocaine constitutes using a firearm ''during and in relation to . . . [a] drug trafficking crime'' within the meaning of 18 U.S.C. 924(c)(1). *Id.* The Supreme Court's analysis cited prior Supreme Court and appellate court decisions interpreting the phrase ''in relation to'' and concluding that the phrase should be interpreted expansively. *Id.* at 237; *see, e.g., District of Columbia* v. *Greater Washington Board of Trade,* 506 U.S. 125, 129 (1992) (''We have repeatedly stated that a law 'relate[s] to' a covered employee benefit plan . . . 'if it has a connection with or reference to such a plan.' . . . This reading is true to the ordinary meaning of 'relate to' . . . and thus gives effect to the 'deliberately expansive' language chosen by Congress.''); *United States* v. *Harris,* 959 F.2d 246, 261 (D.C. Cir. 1992) (per curiam) (''The only limitation is that the guns be used ''in relation'' to the drug trafficking crime involved, which we think requires no more than the guns facilitate the predicate offense in some way.''); *United States* v. *Phelps,* 877 F.2d 28 (9th Cir. 1989) (concluding that the situation was ''unusual'' and not covered, the court stated that ''the phrase 'in relation to' is broad'').

The Supreme Court also cited a dictionary definition in its analysis. 508 U.S. at 237–38. It stated that ''[a]ccording to Webster's, 'in relation to' means 'with reference to' or 'as regards.' '' *Id.* at 237. It concluded, thus, that the phrase ''in relation to,'' at a minimum, ''clarifies that the firearm must have some purpose or effect with respect to the drug trafficking crime; its presence or involvement cannot be the result of accident or coincidence.'' *Id.* at 238. The Court also stated that ''the gun at least must 'facilitate[e], or ha[ve] the

[8] If Respondent intended to argue that her negotiated guilty plea in 2010 and her treatment as a first offender mean that she was not convicted of a First-Degree Felony, I reject her argument. The Agency established over thirty years ago, and recently reiterated, that a deferred adjudication is ''still a 'conviction' within the meaning of the . . . [CSA] even if the proceedings are later dismissed.'' *Kimberly Maloney, N.P.,* 76 FR 60,922, 60,922 (2011). In reaching this conclusion, the Agency explained that, ''[a]ny other interpretation would mean that the conviction could only be considered between its date and the date of its subsequent dismissal.'' *Id.* (citing *Edson W. Redard, M.D.,* 65 FR 30,616, 30,618 (2000)). The same reasoning applies to treatment as a first offender. I also note that the GBN Consent Order exists because Respondent ''failed to report her felony conviction to the Board within ten (10) days of such conviction as required by O.C.G.A. § 43–1–27.'' RFAAX 5, at 3.

[9] ''A person commits the offense of forgery in the first degree when with intent to defraud he knowingly makes, alters, or possesses any writing in a fictitious name or in such manner that the writing as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority and utters or delivers such writing.'' Ga. Code Ann. § 16–9–1 (West, Westlaw effective to June 30, 2012).

potential of facilitating,' the drug trafficking offense.'' *Id.* Applying its analysis to the facts before it, the Court concluded that the use of the firearm ''meets any reasonable construction'' of ''in relation to'' because the gun was ''an integral part of the transaction.'' *Id.* I apply these conclusions of the Supreme Court as I analyze the record evidence before me.

According to the facts I already found, Respondent used the prescription pad of a doctor at her former place of employment to write a schedule II controlled substance prescription for herself. RFAAX 4, at 9–10 and 13. My found facts also include that Respondent's registration did not have schedule II authority. RFAAX 1, at 1. As such, for Respondent to have any chance of obtaining a schedule II controlled substance from a pharmacy by her efforts alone, she had to present a prescription written on the prescription pad of, and purportedly signed by, a registrant with schedule II authority. As my found facts show, Respondent had already absconded with the prescription pad of a doctor at her former place of employment and used that prescription pad to prescribe a schedule II controlled substance for herself, including forging the name of the registrant to whom the prescription pad belonged. RFAAX 4, at 9–10 and 13. Under my found facts, therefore, the use of the forged prescription was ''an integral part of the transaction.'' *Smith* v. *United States,* 508 U.S. at 238. Based on the Supreme Court's explanation of ''in relation to,'' I conclude that Respondent's Georgia felony forgery conviction was ''with reference to'' and ''as regards'' a controlled substance and, accordingly, I also conclude that Respondent's felony forgery conviction satisfies the terms of 21 U.S.C. 824(a)(2).

Third, prior Agency decisions have applied the felony conviction provision of 21 U.S.C. 824(a)(2) to circumstances similar to those in this matter. *See, e.g., Samuel S. Jackson, D.D.S.,* 72 FR 23,848, 23,852 (2007) (conspiracy to be an accessory after the fact); *Clark G. Triftshauser, M.D.,* 67 FR 71,202, 71,203 (2002) (criminal possession of a forged instrument); *Charles A. Buscema, M.D.,* 59 FR 42,857, 42,858 (1994) (First-Degree Felony conviction for falsifying business records about the dispensing of controlled substances, but ultimately not finding for revocation); *Lambert N. DePompei, M.D.,* 49 FR 37,862, 37,863 (1984) (possession of false or forged prescriptions are ''all felony convictions relating to controlled substances''); *Ontario Drugs, Inc., Fullerton-Kedzie Pharmacy, Inc.,* 46 FR 16,004, 16,005 (1981) (theft and forgery of controlled substance prescriptions). Consequently, my finding that Respondent's Georgia forgery felony guilty plea satisfies the terms of 21 U.S.C. 824(a)(2) is consistent with Agency decisions issued in the last forty years.

For all of the above reasons, I conclude that the found facts in this matter meet the requirements of 21 U.S.C. 824(a)(2). Accordingly, I find that Respondent has been convicted of a felony related to any controlled substance. 21 U.S.C. 824(a)(2).

In sum, I find that the record evidence supports two independent legal bases for the suspension or revocation of Respondent's registration—(1) five material falsifications in three registration renewal applications and (2) Respondent's conviction of a felony related to any controlled substance. 21 U.S.C. 824(a)(1) and (2).

IV. Sanction

Where, as here, the Government presented two, independent bases for the suspension or revocation of Respondent's registration, and Respondent did not present evidence rebutting either of the two bases, it is then up to Respondent ''to assure the Administrator'' that she ''can be entrusted with the responsibilit[ies] that accompany registration.'' *White* v. *Drug Enf't Admin.,* 626 F. App'x 493, 496 (5th Cir. 2015); *see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018) (quoting *Akhtar-Zaidi* v. *Drug Enf't Admin.,* 841 F.3d 707, 711 (6th Cir. 2016)); *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman* v. *Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009) quoting *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005)). As the Fifth Circuit also stated, ''[s]uch evidence includes acceptance of responsibility and a demonstration that the . . . [Respondent] 'will not engage in future misconduct.' '' *White* v. *Drug Enf't Admin.,* 626 F. App'x at 496; *see also Pharmacy Doctors Enterprises, Inc.* v. *Drug Enf't Admin.,* 789 F. App'x, 724, 733 (2019) (citing *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d at 831 (citing *MacKay* v. *Drug Enf't Admin.,* 664 F.3d at 820 (noting that past performance is the best predictor of future performance and, when a registrant has ''failed to comply with . . . [her] responsibilities in the past, it makes sense for the agency to consider whether . . . [she] will change . . . [her] behavior in the future'') and *Alra Labs., Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995) (''An agency rationally may conclude that past performance is the best predictor of future performance.'')).

The Agency has decided that the egregiousness and extent of misconduct are significant factors in determining the appropriate sanction. *Garrett Howard Smith, M.D.,* 83 FR 18,882, 18,910 (2018) (collecting cases); *Samuel Mintlow, M.D.,* 80 FR 3630, 3652 (2015) (''Obviously, the egregiousness and extent of a registrant's misconduct are significant factors in determining the appropriate sanction.''). The Agency has also considered the need to deter similar acts in the future by Respondent and by the community of registrants. *Garrett Howard Smith, M.D.,* 83 FR 18,910; *Samuel Mintlow, M.D.,* 80 FR 3652.

In terms of egregiousness, the five instances of material falsification and the felony conviction go to the heart of the CSA: Non-compliance with the closed regulatory system devised to ''prevent the diversion of drugs from legitimate to illicit channels'' and not prescribing controlled substances in compliance with the applicable standard of care and in the usual course of professional practice. *Gonzales* v. *Raich,* 545 U.S. 1, 13–14, 27 (2005). These material falsifications and felony conviction alone support revocation.

Further, the uncontroverted record evidence, including Respondent's admissions, shows that Respondent's forgery of controlled substance prescriptions for herself spanned 2008 and 2009. *Supra* sections II.C., II.D., II.E., and II.F. The record evidence includes five instances of Respondent's founded (including negotiated and admitted) or alleged forgery of a controlled substance prescription. *Id.* The admittedly and allegedly forged, self-prescribed controlled substance prescriptions, Vicodin/hydrocodone (4) and Tussionex Pennkinetic (1), all include hydrocodone, a highly abused schedule II controlled substance. *Supra* sections II.C., II.D., and II.E. In this regard, I note Respondent's sworn denials of ''any sort of drug abuse problem.'' *Supra* sections II.C. and II.F. I also note, though, that Respondent's current registration does not authorize her to issue schedule II controlled substance prescriptions, and that Respondent allegedly forged two, self-prescribed schedule II controlled substance prescriptions in one month. *Supra* sections II.A., II.C., and II.E.

Respondent's submission does not address acceptance of responsibility. *See supra* section II.D. Indeed, Respondent does not even acknowledge the entirety of the OSC's charges against her. Her Written Statement begins by stating that she is writing it about ''material falsification of renewal

applications for . . . [her] DEA license.'' RFAAX 3, at 1. At the end of her Written Statement, Respondent asks for ''a period of either probation or suspension with monitoring'' ''based on the circumstances in which . . . [she] unwittingly submitted the wrong responses on . . . [her] renewal applications.'' *Id.* at 2. In other words, Respondent does not even acknowledge that the OSC also proposed the revocation of her registration based on 21 U.S.C. 824(a)(2).

Further, the focus of her Written Statement is that she ''made a very grave mistake which . . . [she] will forever regret.'' *Id.* at 1. It points out that she has ''undergone a lot of emotional stress regarding the risk . . . [she] placed . . . [her] career in.'' *Id.* The Written Statement, however, does not move beyond the impact her wrongdoing has on herself and her career. *Id.* at 1–2. It characterizes her wrongdoing as ''unwittingly submitting the wrong responses,'' not as violating the law and betraying the trust of her employer and the Agency. *Id.* at 2.

Respondent's choice to submit a Written Statement, instead of taking advantage of her right to a hearing, means that she cannot answer questions about her admittedly and allegedly forged controlled substance prescriptions and whether she accepts responsibility for her wrongdoing. The areas of concern I have about her admitted and alleged violations include how many times she forged controlled substance prescriptions for herself, what controlled substances were involved, why she forged the prescriptions, and what she did with the controlled substances. The areas of concern I have about acceptance of responsibility include whether, and for what, Respondent unequivocally accepts responsibility. In other words, Respondent's recognition of having made a ''grave mistake'' that placed her career in risk, the resulting experience of ''a lot of emotional stress,'' and being ''sorry'' that she placed herself ''in such a position'' do not constitute unequivocal acceptance of responsibility for her wrongdoing. All of the areas of concern to me remain unresolved.

In sum, the record evidence raises, but does not answer, the extent and degree of Respondent's wrongdoing and whether Respondent unequivocally accepts responsibility for it as the Agency requires. *Jeffrey Stein, M.D.,* 84 FR 46,968, 46,972–73 (2019) (unequivocal acceptance of responsibility); *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 463 (2009) (collecting cases). These deficiencies are concerning. For example, they may mean that Respondent does not appreciate (1) the full extent of her wrongdoing and the (2) breadth of the harm her wrongdoing caused. I am also left wondering what Respondent learned from her wrongdoing, and whether Respondent has the resources to avoid future wrongdoing.

For all of the above reasons, it is not reasonable for me, at this time, to trust that Respondent will comply with all controlled substance legal requirements in the future.[10] *Alra Labs., Inc.* v. *Drug Enf't Admin.,* 54 F.3d at 452 (''An agency rationally may conclude that past performance is the best predictor of future performance.''). Accordingly, I shall order that Respondent's registration be revoked, and that all pending applications to renew or modify Respondent's registration and any pending application for a new registration in Georgia, be denied.

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. MS1972101 issued to Uvienome Linda Sakor, N.P. Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and by 21 U.S.C. 823(f), I further hereby deny any pending application of Uvienome Linda Sakor, N.P., to renew or modify this registration, as well as any other pending application of Uvienome Linda Sakor, N.P. for registration in Georgia. This Order is effective October 7, 2021.

Anne Milgram,

Administrator.

[FR Doc. 2021–19194 Filed 9–3–21; 8:45 am]

BILLING CODE 4410–09–P

[10] I do not consider remedial measures when a Respondent does not unequivocally accept responsibility. As discussed, the scope of Respondent's discussion of remedial efforts was limited and, therefore, unpersuasive and not reassuring.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 21–13]

Lora L. Thaxton, M.D.; Decision and Order

On March 24, 2021, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Lora L. Thaxton, M.D. (hereinafter, Respondent) of Naples, Florida. OSC, at 1. The OSC proposed the revocation of Respondent's Certificate of Registration No. FT3429227. It alleged that Respondent is without ''authority to handle controlled substances in Florida, the state in which [Respondent is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

Specifically, the OSC alleged that the Florida Department of Health issued an Order of Emergency Restriction of License on April 14, 2020. *Id.* at 1. This Order, according to the OSC, suspended Respondent's Florida medical license following its findings, *inter alia,* that a medical evaluator from the impaired practitioner program for the Florida Board of Medicine had determined that Respondent was ''unable to practice medicine with reasonable skill and safety to patients due to alcohol use disorder.'' *Id.* at 2. According to the OSC, Respondent subsequently entered into a settlement agreement with the Florida Board of Medicine on February 5, 2021,[1] under which Respondent's medical license would remain suspended until she demonstrated her ability to practice medicine with reasonable skill and safety, submitted to an evaluation by the impaired practitioner program, and petitioned the Florida Board of Medicine for reinstatement of her medical license. *Id.*

The OSC notified Respondent 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 Respondent of the opportunity to submit a corrective action plan. *Id.* at 3 (citing 21 U.S.C. 824(c)(2)(C)).

By letter dated April 29, 2021, Respondent timely requested a hearing.[2] Request for Hearing (Official Notification). The Office of Administrative Law Judges put the matter on the docket and assigned it to

[1] The Government's Exhibit demonstrates that the Florida Board of Medicine approved the settlement agreement on April 5, 2021. *See* Government's Motion for Summary Disposition, Exhibit D, at 1–2.

[2] According to the Declaration of the lead Diversion Investor (hereinafter, DI) assigned to this case, the DI mailed two copies of the OSC to Respondent on March 31, 2021. Government Motion Exhibit 1, at 1–2. By email dated April 2, 2021, Respondent's counsel indicated that Respondent had received the OSC on April 2, 2021, and would be filing a request for hearing within 30 days, as well as a proposed corrective action plan. Request for Hearing (Emailed). Because Respondent's hearing request, was filed within thirty days of the DI's mailing the OSC on April 29, 2021, I find that the Government's service of the OSC was adequate and that the hearing request was timely filed.

Administrative Law Judge Paul E. Soeffing (hereinafter, ALJ). On April 29, 2021, the ALJ issued an Order for Evidence of Lack of State Authority and Directing the Filing of Evidence Regarding the Service of the Order to Show Cause, which directed the parties to brief the Government's allegation that Respondent lacks state authority to handle controlled substances. Order Granting the Government's Motion for Summary Disposition, and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (hereinafter, Recommended Decision or RD), at 2. The Government timely filed its Submission of Evidence and Motion for Summary Disposition (hereinafter, Government Motion) on May 18, 2021.[3] *Id.*

In its motion, the Government argued that because Respondent lacks authority to handle controlled substances in Florida, the state in which she is registered with the DEA, the DEA must therefore revoke her registration. Government Motion, at 5. Respondent did not answer the Government Motion. RD, at 3.

On June 4, 2021, the ALJ issued an Order Directing Compliance after Respondent failed to file her response to the Government Motion by the June 3, 2021 deadline. Order Directing Compliance, at 1. The Order Directing Compliance directed Respondent to file her response by June 11, 2021, and to show good cause for failing to meet the deadline. *Id.* at 2. Respondent did not answer the Order Directing Compliance. RD, at 3.

On July 6, 2021, the ALJ granted the Government Motion, finding that the Government had demonstrated that Respondent lacked state authority in the State of Florida and the ''Respondent has failed to counter the Government's evidence or otherwise dispute the allegation that she lacks state authority.'' RD, at 5. The ALJ further found that ''[a]s a matter of law, the facts [of this case] can only result in one outcome and a hearing is therefore unnecessary to resolve this action.'' *Id.* at 6.

The ALJ recommended that Respondent's DEA registration be revoked and that any applications to renew her registration or any applications for any other DEA registrations in Florida be denied based on her lack of state authority to practice medicine or handle controlled substances in Florida. RD, at 7. By letter dated August 2, 2021, the ALJ certified and transmitted the record to me for final Agency action. In the letter, the ALJ advised that neither party filed exceptions.

I issue this Decision and Order based on the entire record before me. 21 CFR 1301.43(e). I make the following findings of fact.

Findings of Fact

Respondent's DEA Registration

Respondent is the holder of DEA Certificate of Registration No. FT3429227 at the registered address of 12079 Wicklow Ln, Naples, FL 34120. Government Motion Exhibit (hereinafter, GX) A (Controlled Substance Registration Certificate). Pursuant to this registration, Respondent is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Respondent's registration expires on November 30, 2021. *Id.*

The Status of Respondent's State License

On April 14, 2020, the Florida Department of Health issued an Order of Emergency Restriction of License (hereinafter, Emergency Restriction) that restricted Respondent's license to practice medicine in Florida. GX C, at 1.

According to the Emergency Restriction, in December 2019, a nurse at the hospital where Respondent was employed reported that Respondent appeared impaired while at work. *Id.* at 2. Respondent was asked by the hospital supervisor to provide a breath sample for a breath alcohol test, the result of which was positive for alcohol at a concentration indicating that she was impaired. *Id.*

On or about December 6, 2019, Respondent self-reported the results of the breath alcohol test to the Professionals Resource Network (hereinafter, PRN), the impaired practitioner program for the Florida Board of Medicine that monitors the evaluation, care, and treatment of impaired practitioners licensed by the Florida Department of Health. *Id.* On or about January 13, 2020, Respondent was evaluated by an expert in addiction medicine at PRN's request. *Id.*

According to the Emergency Restriction, as of April 14, 2020, Respondent had not undergone the PRN recommended treatment or engaged in PRN monitoring. *Id.* at 4.

The Emergency Restriction concluded that ''Respondent's continued unrestricted practice as a medical doctor constitutes an immediate, serious danger to the health, safety or welfare of the citizens of the State of Florida'' and ordered that her license be restricted until a PRN or a PRN-approved evaluator notified the Florida Department of Health that Respondent could safely resume practicing medicine. *Id.* at 4 and 6. The Emergency Restriction also ordered a proceeding seeking formal discipline of Respondent's license. *Id.* at 6.

On April 24, 2020, the Florida Department of Health filed an Administrative Complaint before the Florida Board of Medicine seeking various potential penalties including permanent revocation or suspension of Respondent's license. GX D, at 12–14.

On October 26, 2020, the Florida Department of Health and Respondent proposed a Settlement Agreement. *Id.* at 4 and 11. Under the Settlement Agreement, Respondent would pay an administrative fine, would reimburse the Florida Department of Health for the costs incurred in the case, and Respondent's medical license would be suspended until she could demonstrate to the Florida Medicine Board her ability to practice medicine with reasonable skill and safety. *Id.* at 5–7. On April 5, 2021, the Florida Board of Medicine issued a Final Order that approved the Settlement Agreement. *Id.* at 1–2.

According to Florida's online records, of which I take official notice,[4] Respondent's license is listed as ''delinquent'' [5] and Respondent is not authorized to practice medicine in Florida. Florida Department of Health License Verification, *https://mqa-internet.doh.state.fl.us/MQASearchServices/HealthCareProviders* (last visited date of signature of this Order).

[3] On May 7, 2021, the Government filed an Unopposed Motion for Extension of Time. On May 10, 2021, the ALJ issued an Order Granting Government's Unopposed Motion for Extension of Time, extending the Government's due date from May 17, 2021, to May 18, 2021.

[4] 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, Respondent may dispute my finding by filing a properly supported motion for reconsideration of findings 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.*

[5] Within the Florida Department of Health License Verification database, ''delinquent'' means ''the licensed practitioner who held a clear active or clear inactive license, but failed to renew the license by the expiration date. The licensed practitioner is not authorized to practice in the state of Florida.''

Accordingly, I find that Respondent is not currently licensed to practice medicine in Florida, the state in which Respondent 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 physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he 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 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.

According to Florida statute, ''A practitioner, in good faith and in the course of his or her professional practice only, may prescribe, administer, dispense, mix, or otherwise prepare a controlled substance.'' Fla. Stat. § 893.05(1)(a) (2021). Further, a ''practitioner'' as defined by Florida statute includes ''a physician licensed under chapter 458.'' [6] *Id.* at § 893.02(23).

Here, the undisputed evidence in the record is that Respondent currently lacks authority to practice medicine in Florida. As already discussed, a physician must be a licensed practitioner to dispense a controlled substance in Florida. Thus, because Respondent lacks authority to practice medicine in Florida and, therefore, is not authorized to handle controlled substances in Florida, Respondent is not eligible to maintain a DEA registration. Accordingly, I will order that Respondent's DEA registration be revoked.

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. FT3429227 issued to Lora L. Thaxton, M.D. 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 Lora L. Thaxton to renew or modify this registration, as well as any other pending application of Lora L. Thaxton for additional registration in Florida. This Order is effective October 7, 2021.

Anne Milgram,

Administrator.

[FR Doc. 2021–19203 Filed 9–3–21; 8:45 am]

BILLING CODE 4410–09–P

[6] Chapter 458 regulates medical practice.

DEPARTMENT OF JUSTICE

U.S. Marshals Service

[OMB Number 1105–0106]

Agency Information Collection Activities; Proposed eCollection eComments Requested;Extension Without Change of a Currently Approved Collection; Comments Requested: Form CSO–005, Preliminary Background Check Form

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service (USMS), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until October 7, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Extension without change of a currently approved collection.

(2) *The Title of the Form/Collection:* Form CSO–005, Preliminary Background Check Form.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: Form CSO–005.

Component: U.S. Marshals Service, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Court Security Officers/Special Security Officer (CSO/SSO) Applicants.

Other: [None].

Abstract: The CSO–005 Preliminary Background Check Form is used to

collect applicant information for CSO/SSO positions. The applicant information provided to USMS from the Vendor gives information about which District and Facility the applicant will be working, the applicant's personal information, prior employment verification, employment performance and current financial status. The information allows the selecting official to hire applicants with a strong history of employment performance and financial responsibility. The questions on this form have been developed from the OPM, MSPB and DOJ ''Best Practice'' guidelines for reference checking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 750 respondents will utilize the form, and it will take each respondent approximately 60 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 750 hours, which is equal to (750 (total # of annual responses) * 60 minutes.

(7) *An Explanation of the Change in Estimates:* N/A.

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: September 1, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–19230 Filed 9–3–21; 8:45 am]

BILLING CODE 4410–04–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Conditional Approval of New York States' Application for the Partial Deferral of Interest Accrued on Outstanding Title XII Loans Otherwise Payable on or before September 30, 2021

Title XII Section 1202(b)(3)(C) of the Social Security Act (SSA) provides that a state may defer payment of three-fourths of interest due on outstanding advances to state unemployment trust funds under Title XII Section 1201 SSA on or before September 30 of a given year if the state's rate of insured unemployment (IUR) during the first six months of the prior calendar year equaled or exceeded 7.5 percent. Title XII Section 1202(b)(3)(C)(i) and 20 CFR 606.41(c) provide that a qualifying state must pay at least 25 percent of the amount due on or before September 30 of the taxable year, and must pay at least one-third of the remaining amount on or before September 30 in each of the following three years. 20 CFR 606.41(d) further clarifies that the timely and full payment of one-fourth of the interest due prior to October 1 is a precondition to approval of this deferral.

The New York State Department of Labor applied for this deferral prior to the July 1, 2021 deadline. Pursuant to 20 CFR 606.41(e)(2) the Employment and Training Administration has confirmed that the state's rate of insured unemployment exceeded the 7.5 percent threshold during the first 6 months of calendar year 2020. As such New York's application for the high unemployment deferral has been conditionally approved contingent on the timely payment of one-fourth of the interest due on or before September 30, 2021.

Lenita Jacobs-Simmons,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2021–19176 Filed 9–3–21; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and 22 comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

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

SUPPLEMENTARY INFORMATION:

Summary of Comments on the National Science Foundation's Major Facilities Guide

The draft Major Facilities Guide were made available for review by the public on the NSF website at *https://www.nsf.gov/bfa/lfo/lfo_documents.jsp.* In response to the **Federal Register** notice published February 2, 2021, at 86 FR 7884, NSF received 22 comments from 2 different institutions/individuals. A summary of the comments on the Major Facilities Guide follows:

- 7 requested clarifications and content regarding the fourth pillar, Mission Alignment, of information security programs for major facility cybersecurity programs;
- 12 requested clarifications and updates on the processes and requirements associated with NSF oversight of the various stages of the facility lifecycle; and
- 3 requested clarifications regarding NSF ''No Cost Overrun'' Policy and budget contingency for the construction stage of major facility projects.

The full comments and NSF's response may be found via: *http://www.reginfo.gov/public/do/PRAMain* and *https://www.nsf.gov/bfa/lfo/lfo_documents.jsp.*

Title of Collection: Major Facilities Guide.

OMB Approval Number: 3145–0239.

Type of Request: Intent to seek approval to renew with revisions an information collection for three years.

Proposed Project: The National Science Foundation Act of 1950 (Pub. L. 81–507) set forth NSF's mission and purpose:

''To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. * * *''

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

Among Federal agencies, NSF is a leader in providing the academic community with advanced instrumentation needed to conduct state-of-the-art research and to educate the next generation of scientists, engineers and technical workers. The knowledge generated by these tools sustains U.S. leadership in science and engineering (S&E) to drive the U.S. economy and secure the future. NSF's responsibility is to ensure that the research and education communities have access to these resources, and to provide the support needed to utilize them optimally, and implement timely upgrades.

The scale of advanced instrumentation ranges from small research instruments to shared resources or facilities that can be used by entire communities. The demand for such instrumentation is very high, and is growing rapidly, along with the pace of discovery. For major facilities and shared infrastructure, the need is particularly high. This trend is expected to accelerate in the future as increasing numbers of researchers and educators rely on such major facilities, instruments, and databases to provide the reach to make the next intellectual leaps.

NSF currently provides support for facility construction from two accounts: The Major Research Equipment and Facility Construction (MREFC) account, and the Research and Related Activities (R&RA) account. The MREFC account, established in FY 1995, is a separate budget line item that provides an agency-wide mechanism, permitting directorates to undertake major facility projects greater than $100M and mid-scale research infrastructure projects between $20M and $100M. Smaller mid-scale and research instrumentation projects continue to be supported from the R&RA Account.

Facilities are defined as shared-use infrastructure, instrumentation and equipment that are accessible to a broad community of researchers and/or educators. Facilities may be centralized or may consist of distributed installations. They may incorporate large-scale networking or computational infrastructure, multi-user instruments or networks of such instruments, or other infrastructure, instrumentation and equipment having a major impact on a broad segment of a scientific or engineering discipline. Historically, awards have been made for such diverse projects as accelerators, telescopes, research vessels and aircraft, and geographically distributed but networked sensors and instrumentation.

The growth and diversification of major facility projects require that NSF remain attentive to the ever-changing issues and challenges inherent in their planning, construction, operation, management and oversight. Most importantly, dedicated, competent NSF and awardee staff are needed to manage and oversee these projects; giving the attention and oversight that good practice dictates and that proper accountability to taxpayers and Congress demands. To this end, there is also a need for consistent, documented requirements and procedures to be understood and used by NSF program managers and awardees for all such major projects.

Use of the Information: Facilities are an essential part of the science and engineering enterprise, and supporting them is one major responsibility of the National Science Foundation (NSF). NSF makes awards to external entities—primarily universities, consortia of universities or non-profit organizations—to undertake construction, management and operation of facilities. Such awards frequently take the form of cooperative agreements. NSF does not directly construct or operate the facilities it supports. However, NSF retains responsibility for overseeing their development, management and successful performance. The Major Facilities Guide is intended to:

- Provide step-by-step guidance for NSF staff and awardees to carry out effective project planning, management and oversight of major facilities while considering the varying requirements of a diverse portfolio;
- Clearly state the policies, processes and procedures pertinent at each stage of a facility's life cycle from development through construction, operations, and termination; and
- Document and disseminate ''good practices'' identified over time so that NSF and awardees can carry out their responsibilities more effectively.

This version of the Major Facilities Guide reflects new legislation applicable to major facilities, NSF's expectations for construction schedules for alignment with good practices, minimum competencies for project personnel, and guidance on the content of Segregation of Funding Plans and how to scale earned value management systems (EVMS). The Guide does not replace existing formal procedures required for all NSF awards, which are described in the, *Proposal & Award Policies & Procedures Guide (PAPPG).* Instead, it draws upon and supplements it for the purpose of providing detailed guidance on NSF policy and procedures related to the planning and oversight of major facilities and mid-scale projects. All facilities projects require merit and technical review, as well as approval of certain deliverables. The level of review and approval varies substantially from standard grants, as does the level of oversight needed to ensure appropriate and proper accountability for federal funds. The requirements, recommended procedures and best practices presented in the Guide apply to any facility significant enough to require close and substantial interaction with the Foundation and the National Science Board.

This Guide will be updated periodically to reflect changes in requirements, policies and/or procedures. Award Recipients are expected to monitor and adopt the requirements and best practices included in the Guide which are aimed at improving management and oversight of major facilities projects and at enabling the most efficient and cost-effective delivery of tools to the research and education communities.

The submission of proposals and subsequent project documentation to the Foundation related to the development, construction and operations of major facilities is part of the collection of information. This information is used to help NSF fulfill this responsibility in supporting merit-based research and education projects in all the scientific and engineering disciplines. The Foundation also has a continuing commitment to provide oversight on facilities development and construction which must be balanced against monitoring its information

collection so as to identify and address any excessive reporting burdens.

NSF has approximately twenty-two (22) major facilities in various stages of development, construction, operations and termination. Facilities undergoing a major upgrade may be classified in both design or construction and operations at the same time. Two to four (2 to 4) new awards are made approximately every five (5) years based on science community infrastructure needs and availability of funding. Among the twenty-five major facilities, there are approximately seven (7) facilities annually that are either in development or construction. These stages require the highest level of reporting and management documentation per the *Major Facilities Guide.* NSF estimates there will be twelve (12) mid-scale projects in progress at a given time.

Burden to the Public: The Foundation estimates that approximately five (5) Full Time Equivalents (FTEs) are necessary for each major facility project in design or construction to respond to NSF performance and financial reporting and project management documentation requirements on an annual basis; or 10,400 hours per year. The Foundation estimates approximately one and half (1.5) FTE for a major facility in operations to respond to NSF performance and financial reporting on an annual basis; or 3,120 hours per year. For mid-scale projects, the Foundation estimates approximately one (1) Full Time Equivalent (FTE's) is necessary for each mid-scale project to respond to NSF project management documentation requirements on an annual basis; or 2,080 hours per year. With seven (7) major facilities in design or construction and eighteen (18) in operations and twelve (12) mid-scale projects, this equates to roughly 165,000 public burden hours annually.

Dated: September 1, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–19262 Filed 9–3–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0160]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Florida Power & Light Co., Turkey Point Nuclear Generating Station, Unit Nos. 3 and 4 and Tennessee Valley Authority, Browns Ferry Nuclear Plant, Units 1, 2, and 3. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration (NSHC). Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation by persons who file a hearing request or petition for leave to intervene.

DATES: Comments must be filed by October 7, 2021. A request for a hearing or petitions for leave to intervene must be filed by November 8, 2021. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by September 17, 2021.

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–2021–0160. 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:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–5411, email: *Shirley.Rohrer@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0160, facility name, unit number(s), docket number(s), application date, and subject 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–2021–0160.
- *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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0160, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown in this notice.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the

Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056) and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. (ET) on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., (ET), Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include

copyrighted materials in their submission.

Florida Power & Light Company; Turkey Point Nuclear Generating Station, Unit Nos. 3 and 4; Miami-Dade County, FL	
Docket No(s)	50–250, 50–251.
Application Date	April 15, 2021.
ADAMS Accession No	ML21105A848.
Location in Application of NSHC	Pages 5–6 of Enclosure.
Brief Description of Amendment(s)	The proposed amendment requests to revise the Turkey Point Nuclear Generating, Units 3 and 4, Technical Specifications (TS) by revising the loss-of-coolant accident (LOCA) methodology to reflect the adoption of WCAP–16996–P–A, Revision 1, ''Realistic LOCA Evaluation Methodology Applied to the Full Spectrum of Break Sizes.'' The proposed amendment, if approved, will require the change of the first listed method in the TS with the new methodology, removal of five previously approved analytical methods, renumbers the remaining approved analytical methods, and deletes a footnote related to the removed approved analytical methods.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Eva Brown, 301–415–2315.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL	
Docket No(s)	50–259, 50–260, 50–296.
Application Date	May 29, 2021.
ADAMS Accession No	ML21150A022.
Location in Application of NSHC	Page E3 of 5 of Enclosure.
Brief Description of Amendment(s)	The proposed amendments would expand the applicability of the spent fuel pool criticality safety analysis of record for Browns Ferry Nuclear Plant, Units 1, 2, and 3, to include the ATRIUM 11 fuel design.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	David Fountain, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Michael Wentzel, 301–415–6459.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Florida Power & Light Company; Turkey Point Nuclear Generating, Unit Nos. 3 and 4; Miami-Dade County, FL

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: August 12, 2021.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer, or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/activity
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2021–17612 Filed 9–3–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0038]

Safety-Related Steel Structures and Steel-Plate Composite Walls for Other Than Reactor Vessels and Containments

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory Guide (RG) 1.243, ''Safety-Related Steel Structures and Steel-Plate Composite Walls for Other Than Reactor Vessels and Containments.'' RG 1.243 is a new guide that proposes guidance to meet regulatory requirements for safety-related steel structures and steel plate composite walls for other than reactor vessels and containments by endorsing with exceptions, the 2018 edition of ANSI/ANS N690–2018, ''Specification for Safety-Related Steel Structures for Nuclear Facilities.''

DATES: RG 1.243 is available on September 7, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0038 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0038. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

RG 1.243 and the regulatory analysis may be found in ADAMS under Accession Nos. ML21089A032 and ML20339A559, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Edward O'Donnell, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov* and Marcos Rolon Acevedo, telephone: 301–415–2208, email: *Marcos.RolonAcevedo@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

RG 1.243 was issued with a temporary identification of Draft Regulatory Guide, DG–1304.

II. Additional Information

The NRC published a notice of the availability of DG–1304 in the **Federal Register** on February 10, 2021 (86 FR 8928) for a 45-day public comment period. The public comment period closed on March 29, 2020. Public comments on DG–1304 and the staff responses to the public comments are available in ADAMS under Accession No. ML21089A033.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

Issuance of this RG does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in this regulatory guide, applicants and licensees are not required to comply with the positions set forth in this regulatory guide.

Dated: August 31, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Branch Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–19178 Filed 9–3–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0168]

Monthly Notice Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments

issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This monthly notice includes all amendments issued, or proposed to be issued, from July 23, 2021, to August 19, 2021. The last monthly notice was published on August 10, 2021.

DATES: Comments must be filed by October 7, 2021. A request for a hearing or petitions for leave to intervene must be filed by November 8, 2021.

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–2021–0168. 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:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0168, facility name, unit number(s), docket number(s), application date, and subject 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–2021–0168.
- *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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0168, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of the *Code of Federal Regulations* (10 CFR), are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file

a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056) and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://*

www.nrc.gov/site-help/e-submittals/getting-started.html. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUEST(S)

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ	
Docket No(s)	50–528, 50–529, 50–530.
Application date	July 29, 2021.
ADAMS Accession No	ML21210A310.
Location in Application of NSHC	Pages 3–5 of the Enclosure.
Brief Description of Amendment(s)	The amendments would revise the technical specifications (TSs) by making various administrative changes to the TSs that remove no longer applicable information resulting from the completion of the degraded and loss of voltage relay modifications approved by the NRC in License Amendment No. 201 (ADAMS Accession No. ML17090A164), and to correct a typographical error on the footer of TS page 3.7.5–4.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Esther K. Andrews, Senior Counsel, Pinnacle West Capital Corporation, 500 N 5th Street, MS 8695, Phoenix, AZ 85004.
NRC Project Manager, Telephone Number	Siva Lingam, 301–415–1564.

Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA	
Docket No(s)	50–458.
Application date	June 15, 2021.
ADAMS Accession No	ML21167A214.
Location in Application of NSHC	Pages 6–8 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would add a license condition concerning the receipt, possession, and use of byproduct materials, such that River Bend Station, Unit 1, would be enabled to receive and use radioactive samples and equipment contaminated with low levels of radioactive material from the other specified Entergy facilities.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Jason Drake, 301–415–8378.

LICENSE AMENDMENT REQUEST(S)—Continued

Entergy Nuclear Operations, Inc.; Palisades Nuclear Plant; Van Buren County, MI

Docket No(s)	50–255.
Application date	June 1, 2021.
ADAMS Accession No	ML21152A108 (Package).
Location in Application of NSHC	Pages 100–104 of Enclosure.
Brief Description of Amendment(s)	The proposed license amendment would revise the Palisades Nuclear Plant Renewed Facility Operating License for Appendix A, Technical Specifications, and Appendix B, Environmental Protection Plan. The proposed changes are consistent with the permanent cessation of operations and permanent removal of fuel from the reactor vessel.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–382.
Application date	May 28, 2021.
ADAMS Accession No	ML21148A104.
Location in Application of NSHC	Pages 4–6 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would revise the Waterford Steam Electric Station, Unit 3, technical specifications to adopt Technical Specification Task Force (TSTF) Traveler TSTF–563, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program,'' Revision 0.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Jason Drake, 301–415–8378.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–382.
Application date	June 24, 2021.
ADAMS Accession No	ML21175A362.
Location in Application of NSHC	Pages 3–5 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would adopt Technical Specifications Task Force (TSTF) Traveler TSTF–569, ''Revise Response Time Testing Definition,'' Revision 2, which is an approved change to the Improved Standard Technical Specifications for incorporation into the Waterford Steam Electric Station, Unit 3, technical specifications.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Jason Drake, 301–415–8378.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit 1 and 2, Ogle County, IL; Exelon Generation Company, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Calvert County, MD; Exelon Generation Company, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A FitzPatrick Nuclear Power Plant; Oswego County, NY; Exelon Generation Company, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Nine Mile Point Nuclear Station, LLC and Exelon Generation Company, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY; Exelon Generation Company, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; R. E. Ginna Nuclear Power Plant, LLC and Exelon Generation Company, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY

Docket No(s)	50–456, 50–457, 50–454, 50–455, 50–317, 50–318, 50–461, 50–237, 50–249, 50–333, 50–373, 50–374, 50–352, 50–353, 50–410, 50–277, 50–278, 50–254, 50–265, 50–244.
Application date	June 30, 2021.
ADAMS Accession No	ML21181A180.
Location in Application of NSHC	Pages 2–4 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would revise the technical specifications (TSs) for each facility based on Technical Specification Task Force (TSTF) traveler TSTF–554, Revision 1, ''Revise Reactor Coolant Leakage Requirements'' (ADAMS Accession No. ML20016A233). The proposed amendments would also make other administrative changes to the TSs.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Blake Purnell, 301–415–1380.

Exelon Generation Company, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA

Docket No(s)	50–277, 50–278.
Application date	April 29, 2021.
ADAMS Accession No	ML21119A141.

LICENSE AMENDMENT REQUEST(S)—Continued

Location in Application of NSHC	Page 15 of Attachment 1; Section 4.3.
Brief Description of Amendment(s)	This submittal requests changes to the Peach Bottom Atomic Power Station, Units 2 and 3, technical specification Administrative Controls Section 5.5.7, ''Ventilation Filter Testing Program (VFTP),'' to change the frequency for performing certain testing requirements from 12 months as currently specified to 24 months. The VFTP establishes the required testing and testing frequency of Engineered Safety Feature filter ventilation systems.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Jason Paige, 301–415–1474.
NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA	
Docket No(s)	50–331.
Application date	June 28, 2021.
ADAMS Accession No	ML21179A286.
Location in Application of NSHC	Pages 13–14 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would revise the Duane Arnold Emergency Plan and associated Emergency Action Level scheme to implement an Independent Spent Fuel Storage Installation (ISFSI) Only Emergency Plan that will reflect the movement of all spent fuel into dry storage within the onsite ISFSI. The proposed license amendment would not be implemented until after the licensee provides notification to the U.S. Nuclear Regulatory Commission that all spent nuclear fuel has been transferred out of the spent fuel pool and placed within the ISFSI, which is expected to occur in 2022.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Marlayna Doell, 301–415–3178.
NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA	
Docket No(s)	50–331.
Application date	June 3, 2021.
ADAMS Accession No	ML21167A186.
Location in Application of NSHC	Pages 4–5 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would revise the Duane Arnold Independent Spent Fuel Storage Installation (ISFSI) Physical Security Plan, as well as implement a proposed revision to the existing physical security license condition in the renewed facility operating license. The updated Physical Security Plan will relate solely to the Duane Arnold ISFSI once all spent fuel has been moved to dry storage, and would not be implemented until after the licensee provides notification to the U.S. Nuclear Regulatory Commission that all spent nuclear fuel has been transferred out of the spent fuel pool and placed within the ISFSI, which is expected to occur in 2022.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Marlayna Doell, 301–415–3178.
Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Units 1 and 2; Somervell County, TX	
Docket No(s)	50–445, 50–446.
Application date	May 11, 2021, as supplemented by letter(s) dated July 13, 2021.
ADAMS Accession No	ML21131A233, ML21194A078.
Location in Application of NSHC	Pages 14–16 of Attachment 1 of the Supplement.
Brief Description of Amendment(s)	The amendments would adopt Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b,'' and would remove certain historical information. The amendments would modify the technical specification (TS) requirements related to Completion Times for Required Actions to provide the option to calculate a longer, risk-informed Completion Time. The allowance is described in a new program in TS Section 5.0, ''Administrative Controls,'' entitled the ''Risk Informed Completion Time Program.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Timothy P. Matthews, Esq., Morgan, Lewis and Bockius, 1111 Pennsylvania Avenue NW, Washington, DC 20004.
NRC Project Manager, Telephone Number	Dennis Galvin, 301–415–6256.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the table below. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCE(S)

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ	
Docket No(s)	50–528, 50–529, 50–530.
Amendment Date	August 17, 2021.
ADAMS Accession No	ML21225A093.
Amendment No(s)	216, 216, 216.
Brief Description of Amendment(s)	The amendments revised the technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–501, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control,'' Revision 1 (ADAMS Accession Nos. ML090510686 and ML100850094), for Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (Palo Verde). The amendments revised Palo Verde TS 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air,'' by removing the current stored diesel fuel oil and lube oil numerical volume requirements from the TSs and placing them in the TS Bases so that they may be modified under licensee control. The TSs are also revised such that the stored diesel fuel oil and lube oil inventory would require that a 7-day supply be available for each diesel generator at Palo Verde. Corresponding surveillance requirements and TS Bases are also revised to reflect the above changes.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A FitzPatrick Nuclear Power Plant; Oswego County, NY	
Docket No(s)	50–333.
Amendment Date	August 9, 2021.
ADAMS Accession No	ML21131A127.
Amendment No(s)	343.
Brief Description of Amendment(s)	The amendment revised the containment venting flow path as described in the FitzPatrick Technical Specification 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs),'' Surveillance Requirement 3.6.1.3.1.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Exelon Generation Company, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL	
Docket No(s)	50–461.
Amendment Date	August 11, 2021.
ADAMS Accession No	ML21188A020.
Amendment No(s)	239.
Brief Description of Amendment(s)	The amendment revised Technical Specification Section 5.5.13, ''Primary Containment Leakage Rate Testing Program,'' to allow a one-time extension to the 15-year frequency of the Clinton Power Station, Unit No. 1, containment integrated leakage rate test (ILRT or Type A test). The proposed one-time change would permit the current ILRT interval of 15 years to be extended by about 8 months.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ	
Docket No(s)	50–354.
Amendment Date	August 17, 2021.
ADAMS Accession No	ML21181A056.
Amendment No(s)	229.
Brief Description of Amendment(s)	The amendment revised Technical Specification 2.1, ''SAFETY LIMITS,'' specifically, 2.1.1, ''THERMAL POWER, Low Pressure or Low Flow,'' and 2.1.2, ''THERMAL POWER, High Pressure and High Flow,'' to reduce the reactor vessel steam dome pressure value to address General Electric Nuclear Energy 10 CFR part 21 Safety Communication SC05–03, ''10 CFR part 21 Reportable Condition Notification: Potential to Exceed Low Pressure Technical Specification Safety Limit,'' issued on March 29, 2005, regarding the potential to violate the low pressure safety limit following a pressure regulator failure-open transient.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Public Comments Received as to Proposed NSHC (Yes/No).	No.
PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit No. 2; Salem County, NJ	
Docket No(s)	50–311.
Amendment Date	August 3, 2021.
ADAMS Accession No	ML21195A062.
Amendment No(s)	319.
Brief Description of Amendment(s)	The amendment revised a technical specification action for rod position indicators. This was a one-time change during the current operating cycle to support maintenance on the transformer supplying power to all of the Salem, Unit No. 2, rod position indicators.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
R. E. Ginna Nuclear Power Plant, LLC and Exelon Generation Company, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY	
Docket No(s)	50–244.
Amendment Date	July 28, 2021.
ADAMS Accession No	ML21175A001.
Amendment No(s)	145.
Brief Description of Amendment(s)	The amendment revised Technical Specification (TS) 5.5.6, ''Steam Generator (SG) Program,'' to reflect a proposed change to the required SG tube inspection frequency, for performing SG tube inspections and plugging. This change made a one-time exception to the SG tube inspection requirements in TS Section 5.5.6.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Southern Nuclear Operating Company, Inc.; Edwin I. Hatch Nuclear Plant, Units 1 and 2; Appling County, GA; Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL; Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA	
Docket No(s)	50–321, 50–348, 50–364, 50–366, 50–424, 50–425.
Amendment Date	July 30, 2021.
ADAMS Accession No	ML21167A315.
Amendment No(s)	Farley—234 (Unit 1) and 231 (Unit 2); Hatch—309 (Unit 1) and 255 (Unit 2); Vogtle—205 (Unit 1), and 188 (Unit 2).
Brief Description of Amendment(s)	The amendments revised certain Surveillance Requirements (SRs) in the technical specifications (TSs) by adding an exception to the SR for automatic valves or dampers that are locked, sealed, or otherwise secured in the actuated position. The amendments are based on Technical Specifications Task Force (TSTF) Traveler TSTF–541, Revision 2, ''Add Exceptions to Surveillance Requirements for Valves and Dampers Locked in the Actuated Position,'' dated August 28, 2019 (ADAMS Accession No. ML19240A315). The NRC approved TSTF–541, Revision 2, by letter dated December 10, 2019.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA	
Docket No(s)	50–424, 50–425.
Amendment Date	July 30, 2021.
ADAMS Accession No	ML21068A109 (Package).
Amendment No(s)	206,189.
Brief Description of Amendment(s)	The amendments consisted of changes to the license and technical specifications (TSs). The amendments also revised the licensing basis as described in the Vogtle Final Safety Analysis Report to allow the use of a risk-informed approach to the resolution of issues discussed in Generic Safety Issue (GSI)–191, ''Assessment of Debris Accumulation on Pressurized-Water Reactor Sump Performance.'' The TS changes followed the model application in Technical Specification Task Force (TSTF)–567, Revision 1, ''Add Containment Sump TS to Address GSI–191 Issues.'' In addition, the amendments added a new TS 3.6.7, ''Containment Sump,'' and added an action to address the condition of the containment sump made inoperable due to containment accident generated and transported debris exceeding the analyzed limits.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL	
Docket No(s)	50–259, 50–260, 50–296.
Amendment Date	July 27, 2021.
ADAMS Accession No	ML21173A177.
Amendment No(s)	317, 340, and 300.
Brief Description of Amendment(s)	The amendments allowed for the voluntary adoption of the requirements of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.''

LICENSE AMENDMENT ISSUANCE(S)—Continued

Public Comments Received as to Proposed NSHC (Yes/No).	No.
Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 1; Rhea County, TN	
Docket No(s)	50–390.
Amendment Date	July 26, 2021.
ADAMS Accession No	ML21153A049.
Amendment No(s)	147.
Brief Description of Amendment(s)	The amendment revised Watts Bar Nuclear Plant, Unit 1, Technical Specification (TS) 5.7.2.12, ''Steam Generator (SG) Program,'' and TS 5.9.9, ''Steam Generator Tube Inspection Report,'' to reflect a change to the SG tube inspection frequency, and changes due to the adoption of Technical Specifications Task Force (TSTF) Technical Change Traveler TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

IV. Previously Published Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notice was previously published as separate individual notice. It was published as an individual notice either because time did not allow the Commission to wait for this monthly notice or because the action involved exigent circumstances. It is repeated here because the monthly notice lists all amendments issued or proposed to be issued involving NSHC.

For details, including the applicable notice period, see the individual notice in the **Federal Register** on the day and page cited.

LICENSE AMENDMENT REQUEST(S)—REPEAT OF INDIVIDUAL FEDERAL REGISTER NOTICE

Virginia Electric and Power Company, Dominion Nuclear Company; North Anna Power Station, Units 1 and 2; Louisa County, VA	
Docket No(s)	50–338, 50–339.
Application Date	May 6, 2021.
ADAMS Accession No	ML21126A314.
Brief Description of Amendment(s)	The proposed amendment would add a new requirement to isolate Primary Grade water from the reactor coolant system within 1 hour following a reactor shutdown from Mode 2. Additionally, it would make an editorial change to Technical Specification 5.6.5, ''Coe Operating Limits Report (COLR).''
Date & Cite of **Federal Register** Individual Notice.	July 13, 2021 (86 FR 36785).
Expiration Dates for Public Comments & Hearing Requests.	August 12, 2021 (Comments) and September 13, 2021 (Hearing).

Dated: August 27, 2021.

For the Nuclear Regulatory Commission.

Bo M. Pham,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–18934 Filed 9–3–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–409 and 72–046; EA–19–077; NRC–2019–0110]

In the Matter of LaCrosseSolutions, LLC; La Crosse Boiling Water Reactor

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct transfer of license; extending effectiveness of order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order to extend the effectiveness of a September 24, 2019, order, which approved the direct transfer of Possession Only License No. DPR–45 for the La Crosse Boiling Water Reactor (LACBWR) from the current holder, LaCrosse*Solutions,* LLC, to Dairyland Power Cooperative and approved a conforming license amendment, for 12 months beyond its current September 24, 2021, expiration date.

DATES: The order was issued on August 30, 2021 and was effective upon issuance.

ADDRESSES: Please refer to Docket ID NRC–2019–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0110. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–

415–4737, or by email to *pdr.resource@nrc.gov.* The request for extending the effectiveness of the transfer order is available in ADAMS under Accession No. ML21230A330. The order extending the effectiveness of the transfer order is available in ADAMS under Accession No. ML21228A107.

• *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.

FOR FURTHER INFORMATION CONTACT: Marlayna Doell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178; email: *Marlayna.Doell@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the order is attached.

Dated: September 2, 2021.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

Attachment—Order Extending the Effectiveness of the Approval of the Transfer of License and Conforming Amendment

United States of America

Nuclear Regulatory Commission

[NRC–2019–0110]

In the Matter of LaCrosse*Solutions,* LLC; La Crosse Boiling Water Reactor

EA–19–077; Docket Nos. 50–409 and 72–046; License No. DPR–45

Order Extending the Effectiveness of the Approval of the Transfer of License and Conforming Amendment

I

LaCrosse*Solutions,* LLC is the holder of the U.S. Nuclear Regulatory Commission (NRC, the Commission) Possession Only License No. DPR–45, with respect to the possession, maintenance, and decommissioning of the La Crosse Boiling Water Reactor (LACBWR). Operation of the LACBWR is no longer authorized under this license. The LACBWR facility is located in Vernon County, Wisconsin.

II

By Order dated September 24, 2019 (Transfer Order), the Commission consented to the transfer of the LACBWR license to Dairyland Power Cooperative and approved a conforming license amendment in accordance with Section 50.80, ''Transfer of licenses,'' and Section 50.90, ''Application for amendment of license, construction permit, or early site permit,'' of Title 10 of the *Code of Federal Regulations* (10 CFR). By its terms, the Transfer Order becomes null and void if the license transfer is not completed within one year unless, upon application, and for good cause shown, the Commission extends the Transfer Order's September 24, 2020, expiration date. By letter dated June 24, 2020, LaCrosse*Solutions,* LLC submitted a request to extend the effectiveness of the Transfer Order by six months. By Order dated September 1, 2020 (First Extension Order), the Commission extended the Transfer Order's expiration date to March 24, 2021. Subsequently, by letter dated February 2, 2021, LaCrosse*Solutions,* LLC submitted a request to extend the effectiveness of the Transfer Order by an additional six months. By Order dated March 9, 2021 (Second Extension Order), the Commission extended the Transfer Order's expiration date to September 24, 2021.

III

By letter dated August 17, 2021, LaCrosse*Solutions,* LLC submitted a request to extend the effectiveness of the Transfer Order by an additional twelve months, until September 24, 2022. As stated in the letter, the LACBWR Final Status Survey Final Reports (FSSRs), their associated Release Records, and responses to NRC staff requests for additional information (RAIs) are currently under review by the NRC staff. The letter noted that, based on the current status of the NRC review, it is anticipated that additional time will be needed to address questions or potential issues identified by the NRC staff during its review of the RAI responses and revised LACBWR FSSRs. The letter also stated that the extension would allow adequate time for response development by LaCrosse*Solutions,* LLC regarding possible additional questions or potential issues, and for the NRC staff to assess the responses provided by LaCrosse*Solutions,* LLC and to make a final determination regarding the release of the majority of the LACBWR site for unrestricted use.

Based on the above, the NRC has determined that LaCrosse*Solutions,* LLC has shown good cause for extending the effectiveness of the Transfer Order by an additional twelve months, as requested.

IV

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Sections 2201(b), 2201(i), and 2234; and 10 CFR 50.80, IT IS HEREBY ORDERED that the expiration date of the Transfer Order, as extended by the Second Extension Order, is further extended until September 24, 2022. If the subject license transfer from LaCrosse*Solutions,* LLC to Dairyland Power Cooperative is not completed by September 24, 2022, the Transfer Order shall become null and void; provided, however, that upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the extension request dated August 17, 2021, which is available electronically through the NRC's Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *https://www.nrc.gov/reading-rm/adams.html* under Accession No. ML21230A330. Persons who encounter problems with ADAMS should contact the NRC's Public Document Room reference staff by telephone at 1–800–397–4209 or 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Dated this 30th day of August 2021.

For the Nuclear Regulatory Commission

/*RA*/

John W. Lubinski,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–19343 Filed 9–3–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295, 50–304, and 72–1037; NRC–2019–0236]

In the Matter of ZionSolutions, LLC and Exelon Generation Company, LLC; Zion Nuclear Power Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct transfer of license; extending effectiveness of order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order to extend until November 26, 2022, the effectiveness of a November 26, 2019, order, which approved the direct transfer of Facility Operating License Nos. DPR–39 and DPR–48 for Zion Nuclear Power Station (ZNPS), Units 1 and 2, respectively, and the general

license for the ZNPS independent spent fuel storage installation from the current holder, Zion*Solutions,* LLC, to Exelon Generation Company, LLC and approved conforming license amendments.

DATES: The order was issued on August 30, 2021 and was effective upon issuance.

ADDRESSES: Please refer to Docket ID NRC–2019–0236 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0236. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The written application for extending the effectiveness of the transfer order is available in ADAMS under Accession No. ML21230A322. The order extending the effectiveness of the transfer order is available in ADAMS under Accession No. ML21229A027.

• *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.

FOR FURTHER INFORMATION CONTACT: Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1335; email: *Kimberly.Conway@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the order is attached.

Dated: September 2, 2021.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

Attachment—Order Extending the Effectiveness of the Approval of the Transfer of Licenses and Conforming Amendments

United States of America

Nuclear Regulatory Commission

[NRC–2019–0236]

In the Matter of: Zion*Solutions,* LLC and Exelon Generation Company, LLC, Zion Nuclear Power Station, Units 1 and 2; EA–19–125, Docket Nos. 50–295, 50–304, and 72–1037; License Nos.: DPR–39 and DPR–48.

Order Extending the Effectiveness of the Approval of the Transfer of Licenses and Conforming Amendments

I

Zion*Solutions,* LLC is the holder of U.S. Nuclear Regulatory Commission (NRC, the Commission) Facility Operating License Nos. DPR–39 and DPR–48 for the Zion Nuclear Power Station, Units 1 and 2, respectively (ZNPS), and the associated general license for the ZNPS independent spent fuel storage installation (ISFSI), which are located in Lake County, Illinois. Zion*Solutions,* LLC is authorized to possess and maintain ZNPS and the ZNPS ISFSI. Operation of ZNPS is no longer authorized under these licenses.

II

By Order dated November 26, 2019 (Transfer Order), the Commission consented to the direct transfer of the ZNPS licenses from Zion*Solutions,* LLC to Exelon Generation Company, LLC and approved draft conforming administrative license amendments in accordance with Sections 50.80, ''Transfer of licenses,'' 72.50, ''Transfer of license,'' and 50.90, ''Application for amendment of license, construction permit, or early site permit,'' of Title 10 of the *Code of Federal Regulations* (10 CFR). By its terms, the Transfer Order becomes null and void if the transfer is not completed within one year (*i.e.,* by November 26, 2020); provided, however, that upon written application and for good cause shown, such date may be extended by order. By letter dated August 27, 2020, Zion*Solutions,* LLC submitted a written application to extend the effectiveness of the Transfer Order by six months, until May 26, 2021. That request was approved by Order (First Extension Order) dated October 21, 2020. Subsequently, by letter dated April 15, 2021, Zion*Solutions,* LLC submitted a written application to extend the effectiveness of the Transfer Order by an additional six months, until November 26, 2021. That request was approved by Order (Second Extension Order) dated May 12, 2021.

III

By letter dated August 17, 2021, Zion*Solutions,* LLC submitted a written application to extend the effectiveness of the Transfer Order by an additional twelve months, until November 26, 2022. As stated in the application, responses to requests for additional information regarding ZNPS Final Status Survey Final Reports and their associated Release Records are currently under review by the NRC staff. The extension would provide the NRC staff with additional time to assess the responses provided by Zion*Solutions,* LLC and make a final determination regarding the release of land for unrestricted use.

Based on the above, the NRC has determined that Zion*Solutions,* LLC has shown good cause for extending the effectiveness of the Transfer Order by an additional twelve months, as requested.

IV

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Sections 2201(b), 2201(i), and 2234; and 10 CFR 50.80 and 10 CFR 72.50, *it is hereby ordered* that the expiration date of the Transfer Order, as extended by the Second Extension Order, is further extended until November 26, 2022. If the subject license transfer from Zion*Solutions,* LLC to Exelon Generation Company, LLC is not completed by November 26, 2022, the Transfer Order shall become null and void; provided, however, that upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the written application for extension dated August 17, 2021, which is available electronically through the NRC's Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *https://www.nrc.gov/reading-rm/adams.html* under Accession No. ML21230A322. Persons who encounter problems with ADAMS should contact the NRC's Public Document Room reference staff by telephone at 1–800–397–4209 or 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Dated this 30th day of August 2021.

For the Nuclear Regulatory Commission

/*RA*/

John W. Lubinski,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–19342 Filed 9–3–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 9, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information: please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: September 2, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–19368 Filed 9–2–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92854; File No. 4–698]

Joint Industry Plan; Notice of Designation of a Longer Period for Commission Action on a Proposed Amendment to the National Market System Plan Governing the Consolidated Audit Trail

September 2, 2021.

I. Introduction

On December 18, 2020, the Operating Committee for Consolidated Audit Trail, LLC (''CAT LLC''), on behalf of the following parties to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan''): [1] BOX Exchange LLC; Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., Miami International Securities Exchange LLC, MEMX, LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the ''Participants,'' ''self-regulatory organizations,'' or ''SROs'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act''),[2] and Rule 608 thereunder,[3] a proposed amendment (''Proposed Amendment'') to the CAT NMS Plan that would authorize CAT LLC to revise the Consolidated Audit Trail Reporter Agreement and the Consolidated Audit Trail Reporting Agent Agreement to insert limitation of liability provisions. The Proposed Amendment was published for comment in the **Federal Register** on January 6, 2021.[4]

On April 6, 2021, the Commission instituted proceedings to determine whether to approve or disapprove the Proposed Amendment.[5] On June 25, 2021, pursuant to Rule 608(b)(2)(i) of Regulation NMS,[6] the Commission extended the period within which to conclude proceedings regarding the Proposed Amendment to 240 days from the date of publication of the Notice.[7]

Rule 608(b)(2)(ii) of Regulation NMS provides that the time for conclusion of proceedings to determine whether a national market system plan or proposed amendment should be disapproved may be extended for an additional period up to 60 days (up to 300 days from the date of notice publication) if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the plan participants consent to the longer period.[8] The 240th day after publication of the Notice for the Proposed Amendment is September 3, 2021. The Commission is extending this 240-day period.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings regarding the Proposed Amendment so that it has sufficient time to consider the Proposed Amendment and the comments received. Accordingly, pursuant to Rule 608(b)(2)(ii) of Regulation NMS,[9] the Commission designates November 2, 2021, as the date by which the Commission shall conclude the proceedings to determine whether to approve or disapprove the Proposed Amendment (File No. 4–698).

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–19341 Filed 9–3–21; 8:45 am]

BILLING CODE 8011–01–P

[1] The CAT NMS Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act and the rules and regulations thereunder. *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016).

[2] 15 U.S.C. 78k–1(a)(3).

[3] 17 CFR 242.608.

[4] *See* Notice of Filing of Amendment to the National Market System Plan Governing the Consolidated Audit Trail, Exchange Act Release No. 90826 (December 30, 2020), 86 FR 591 (''Notice''). Comments received in response to the Notice can be found on the Commission's website at *https://www.sec.gov/comments/4-698/4-698.htm.*

[5] *See* Exchange Act Release No. 91487 (April 6, 2021), 86 FR 19054 (April 12, 2021).

[6] *See* 17 CFR 242.608(b)(2)(i).

[7] *See* Securities Exchange Act Release No. 92266 (June 25, 2021), 86 FR 35142 (July 1, 2021).

[8] *See* 17 CFR 242.608(b)(2)(ii).

[9] *Id.*

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92785A; File No. SR–NYSE–2021–40]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Adopt on a Permanent Basis the Pilot Program for Market-Wide Circuit Breakers in Rule 7.12.

August 27, 2021.

On July 2, 2021, New York Stock Exchange. (the ''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt on a permanent basis the pilot program for Market-Wide Circuit Breakers in Rule 7.12. The proposed rule change was published for comment in the **Federal Register** on July 22, 2021.[3] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is September 5, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates October 20, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSE–2021–40).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–19201 Filed 9–3–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 17123 and # 17124; Pennsylvania Disaster Number PA–00112]

Administrative Declaration of a Disaster for the State of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Pennsylvania dated 08/31/2021.

Incident: Flash Flooding.

Incident Period: 08/18/2021.

DATES: Issued on 08/31/2021.

Physical Loan Application Deadline Date: 11/01/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/31/2022.

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:

Tioga.

Contiguous Counties:

Pennsylvania: Bradford, Lycoming, Potter.

New York: Chemung, Steuben.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.125
Homeowners without Credit Available Elsewhere	1.563
Businesses with Credit Available Elsewhere	5.710
Businesses without Credit Available Elsewhere	2.855
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.855
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17123 6 and for economic injury is 17124 0.

The States which received an EIDL Declaration # are Pennsylvania, New York.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–19240 Filed 9–3–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0275]

Enlightenment Capital Solutions SBIC Fund, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Enlightenment Capital Solutions SBIC Fund, L.P., 4445 Willard Avenue, Suite 950, Chevy Chase, MD 20815, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Enlightenment Capital Solutions SBIC Fund, L.P. (''Licensee'') is proposing to provide financing to The Cadmus Group (''Company'') to support the Company's growth.

The proposed transaction is brought within the purview of § 107.730 of the Regulations because Enlightenment Capital Solutions Fund II, LP, Enlightenment Capital Solutions Fund II–NQ, LP, and Enlightenment Capital Solutions Fund SPV I, LP, Associates of the Licensee by virtue of Common Control as defined at § 107.50, hold a

total of 11% of equity interest in Company. The Associates expect to receive a total of $26.6 million from the proposed transaction.

Therefore, the proposed transaction is considered self-deal pursuant to 13 CFR 107.730 and requires a regulatory exemption. Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Bailey DeVries,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2021–19338 Filed 9–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 11522]

Imposition of Additional Sanctions on Russia Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991

ACTION: Notice.

SUMMARY: On March 2, 2021, the Secretary of State, acting under authority delegated pursuant to Executive Order 12851, determined pursuant to section 306(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act), 22 U.S.C. 5604(a), that the Government of the Russian Federation used chemical or biological weapons in violation of international law or lethal chemical or biological weapons against its own nationals. Notice of this determination was published on March 18, 2021 in the **Federal Register**, under Public Notice 11374, which resulted in sanctions against Russia. Section 307(b) of the CBW Act, requires a decision within three months of March 2, 2021 regarding whether Russia has met certain conditions described in the law. Additional sanctions on Russia are required if these conditions are not met. Russia has not met the CBW Act's conditions and the Deputy Secretary of State has decided to impose additional sanctions on Russia on August 20, 2021.

DATES: September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Pamela K. Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930.

SUPPLEMENTARY INFORMATION: Pursuant to Section 307(b) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, as amended (22 U.S.C. 5605(b)), on August 20, 2021, the Deputy Secretary of State decided to impose additional sanctions on Russia. As a result, the following additional sanctions are hereby imposed:

1. *Multilateral Development Bank Assistance:* The United States Government shall oppose, in accordance with Section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to Russia by international financial institutions.

2. *Bank Loans:* The United States Government shall prohibit any United States bank from making any loan or providing any credit to the Government of the Russian Federation, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

The Deputy Secretary of State has determined that it is essential to the national security interests of the United States to waive the application of this sanction in all respects, except that the authority of Executive Order 13883 shall be used by the Department of the Treasury to prohibit United States banks from (1) participating in the primary market for non-ruble denominated bonds issued by the Russian sovereign issued after the enactment of these sanctions; and (2) providing non-ruble denominated loans to the Russian sovereign after the enactment of these sanctions, in both cases as further described in a **Federal Register** Notice issued by the Department of the Treasury and implemented through the Directive and guidance published on the Office of Foreign Assets Control's website (*http://www.treasury.gov/ofac*).

3. *Further Export Restrictions:* The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to Russia of all other goods and technology (excluding food and other agricultural commodities and products).

The Deputy Secretary of State has determined that it is essential to the national security interests of the United States to waive the application of this sanction with respect to the following:

Reasons for Control: Exports and reexports of goods or technology controlled for reason CB (Chemical and Biological Weapons), MT (Missile Technology), and NP (Nuclear Proliferation), pursuant to new licenses, provided that such licenses will be issued on a case-by-case basis, subject to a ''presumption of denial'' policy. Exports and reexports of goods or technology controlled for AT (Anti-Terrorism), CC (Crime Control), FC (Firearms Convention), and RS (Regional Stability), pursuant to new licenses, provided that such licenses will be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to enactment of these sanctions.

License Exceptions: Exports and reexports of goods or technology eligible under License Exceptions GOV, ENC, BAG, TMP, and AVS.

Safety of Flight: Exports and reexports of goods or technology pursuant to new licenses necessary for the safety of flight of civil fixed-wing passenger aviation, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to enactment of these sanctions.

Deemed Exports/Reexports: Exports and reexports of goods or technology pursuant to new licenses for deemed exports and reexports to Russian nationals, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to enactment of these sanctions.

Wholly-Owned U.S. and Other Foreign Subsidiaries: Exports and reexports of goods or technology pursuant to new licenses for exports and reexports to wholly-owned U.S. and other foreign subsidiaries in Russia, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to enactment of these sanctions.

Government Space Cooperation: Exports and reexports of goods or technology pursuant to new licenses in support of government space cooperation, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to enactment of these sanctions.

Commercial Space Launches: Exports and reexports of goods or technology pursuant to new licenses in support of commercial space launches, provided that such licenses will be reviewed subject to a ''presumption of denial'' policy.

Commercial End-Users: Exports and reexports of goods or technology pursuant to new licenses for commercial end-users for civil end-uses in Russia, provided that such licenses will be

reviewed subject to a ''presumption of denial'' policy.

SOEs/SFEs: Exports and reexports of goods or technology pursuant to new licenses for Russian state-owned or state-funded enterprises will be reviewed subject to a ''presumption of denial'' policy.

4. *Import Restrictions:* New or pending permit applications submitted to the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the permanent importation into the United States of firearms or ammunition, as defined on the U.S. Munitions Import List (22 CFR 447.21, Categories I and III), that are manufactured or located in the Russian Federation shall be denied in accordance with section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 13637. Consistent with authority delegated under Executive Order 12851, the Department of the Treasury has concurred with the imposition of this sanction and its implementation by ATF.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place for at least one year and until further notice.

Choo S. Kang,

Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

[FR Doc. 2021–19117 Filed 9–3–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2018–1051]

Agency Information Collection Activities: Request for Comments; Clearance of a New Approval of Information Collection: Formal Complaints Collection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments within 30 days after the date of publication of this notice about its intention to request the Office of Management and Budget (OMB) approval for an existing information collection. This collection involves the filing of a complaint with the FAA alleging a violation of any requirement, rule, regulation, or order issued under certain statutes within the jurisdiction of the FAA. The FAA will use the information collected to determine if the alleged violation warrants investigation or action. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 4, 2020.

DATES: Written comments should be submitted by October 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Cole R. Milliard by email at: *Cole.Milliard@faa.gov;* phone 202–267–3452.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the FAA's performance; (b) the accuracy of the estimated burden; (c) ways for the FAA to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0795.

Title: Formal Complaints Collection.

Form Numbers: N/A.

Type of Review: New clearance of an existing information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 4, 2020 (85 FR 47288). Prior to that, the FAA issued a notice of proposed rulemaking (NPRM) to revise 14 CFR part 13. The NPRM was published in the **Federal Register** on February 12, 2019 (84 FR 3614). The NPRM proposed to update the procedural rules governing FAA investigations and enforcement actions. The proposed revisions include updates to statutory and regulatory references, updates to agency organizational structure, elimination of inconsistencies, clarification of ambiguity, increases in efficiency, and improved readability. Section 13.5, currently and as proposed in the NPRM, allows any person to file a formal complaint with the FAA Administrator regarding a person's violation of 49 U.S.C. subtitle VII, 49 U.S.C. chapter 51, or any rule, regulation, or order issued under those statutes. Thus, the overall burden associated with submission and processing of these complaints is not new. It is also optional, as there is no obligation for any individual to file a formal complaint.

As revised in proposed 14 CFR 13.5(b), a formal complaint must: (1) Be submitted to the FAA in writing; (2) be identified as a complaint seeking an appropriate order or other enforcement action; (3) identify the subjects of the complaint; (4) state the specific statute, rule, regulation, or order that each subject allegedly violated; (5) contain a concise but complete statement of the facts relied upon to substantiate each allegation; (6) include the name, address, telephone number, and email of the person filing the complaint; and (7) be signed by the person filing the complaint or an authorized representative. After the FAA confirms that the complaint meets these requirements, it sends a copy of the complaint to the subjects of the complaint and gives them an opportunity to submit a written answer. If a complaint does not meet these requirements, it is considered a report of violation under proposed 14 CFR 13.2 (current 14 CFR 13.1).

The FAA uses the information in the complaint and answer to determine if there are reasonable grounds for investigating the complaint. If the FAA determines there are reasonable grounds, the FAA proceeds with an investigation. If not, the FAA may dismiss the complaint and give the reason for dismissal in writing to both the person who filed the complaint and the subjects of the complaint.

Respondents: Formal complaints are typically submitted by an individual or organization. Almost all formal complaints are evenly split between three basic categories (complainant listed first): Individual vs. individual, individual vs. organization, and organization vs. organization.

Frequency: The FAA estimates this collection of information would result in about seven formal complaints per year based on FAA data.

Estimated Average Burden per Response: The estimated average burden on the public for each complaint and response under § 13.5 is eight hours, broken down as follows: It would take an individual about four hours to write

a formal complaint acceptable under § 13.5. Most of this time would be the research required to determine which laws the subject of the complaint allegedly violated. The second largest amount of time would be devoted to writing the ''concise but complete'' statement of facts substantiating the complaint. After the FAA reviews the complaint and confirms it meets the requirements, each subject of the complaint would have an opportunity to submit a written answer. The FAA estimates it would take the subject of the complaint about four hours to write an answer to the complaint.

The estimated average burden on the FAA for each complaint is eight hours, broken down as follows: A complaint would take the FAA no more than four hours to review to confirm it meets the requirements as laid out in 14 CFR 13.5(b). The FAA would take an additional hour to send the complaint to the subjects of that complaint. The FAA would then take another estimated three hours to determine if an investigation would be necessary.

Estimated Total Annual Burden:[1] The FAA estimates the total annual combined (public + FAA) annual burden and cost of the information requirements to be about 112 hours and $7,138.

For the public, the estimated total annual hourly burden would be 56 hours, and the estimated total annual cost burden would be about $2,036. This burden to the public is calculated as follows: Based on the number of formal complaints the FAA received during the three years preceding preparation of the NPRM, the FAA estimates there would be seven complaints filed per year by seven complainants. Each complaint would take no more than four hours to complete. The annual hourly burden would be 28 hours for the public to submit formal complaints (7 complaints × 4 hours = 28 hours). After the FAA reviews the complaint and confirms it meets the requirements, each subject of the complaint would have an opportunity to submit a written answer. The FAA estimates this would take the subject four hours. The annual hourly burden to the public would be another 28 hours for the subject of the complaint to provide a written answer (7 written answers × 4 hours = 28 hours).[2] The total annual hourly burden to the public would be 56 hours. Since a complainant and a subject of a complaint could be employed in any occupation, the FAA selected a mean hourly wage rate for all occupations in the United States. The U.S. Bureau of Labor Statistics estimates the mean hourly wage rate of all occupations was $24.98 in May 2018.[3] The FAA estimates the total burdened hourly wage rate is $36.36 when including full employee benefits.[4] The total annual cost burden to the public would be about $2,036 ($36.36 × 56 hours). In addition to labor hours, the complainants would incur copying and mailing costs for seven annual complaints estimated at $102.90; or $52.15 for complainants [($.50 for a 5-page complaint, including attachments, at $.10 per page[5] + $6.95 first-class certified mail with return receipt[6]) × 7] and $50.75 for subjects of complaints [($.30 for a 3-page response, including attachments, at $.10 per page + $6.95 first-class certified mail with return receipt) × 7].

For the FAA, the estimated total annual hourly burden would be 56 hours, and the estimated total annual cost burden would be about $4,846. This burden to the FAA is calculated as follows: The complaint would take the FAA no more than four hours to review to confirm it meets the requirements as laid out in 14 CFR 13.5(b), which results in an annual time burden of 28 hours (7 complaints × 4 hours = 28 hours). The FAA would take an additional hour to send the complaint to the subjects of that complaint, which would add seven hours (7 complaints × 1 hour = 7 hours). The FAA would then take another estimated three hours to determine if an investigation would be necessary, adding 21 hours (7 complaints × 3 hours = 21 hours) to the FAA annual burden. This results in a total annual burden of 56 hours (28 hours + 7 hours + 21 hours = 56 hours) for the FAA. The FAA assumes an FAA hourly wage rate of $63.51.[7] The FAA estimates the total burdened FAA hourly wage rate to be $86.54 when including full civilian employee benefits.[8] The total annual cost burden to the FAA to review and process the complaint would be $4,846 ($86.54 × 56 = $4,846). In addition to labor hours, the FAA would incur copying and mailing costs for seven annual complaints estimated at $152.95; or $52.85 for mailing complaints to subjects [($.60 for a 5-page complaint with a 1-page cover letter at $.10 per page + $6.95 first-class certified mail with return receipt) × 7] and $100.10 for mailing the agency's determination to both complainants and subjects of complaints [2 × ($.20 for a 2-page determination letter at $.10 per page + $6.95 first-class certified mail with return receipt) × 7].

Issued in Washington, DC, on September 1, 2021.

Cynthia A Dominik,

Assistant Chief Counsel for Enforcement Division.

[FR Doc. 2021–19271 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–13–P

[1] For this notice and the **Federal Register** notice with the 60-day comment period, the FAA used updated figures in its estimate from those used in the NPRM.

[2] This assumes each formal complaint would meet the requirements as laid out in 14 CFR 13.5(b), so the FAA could send a copy of the complaint to the subject of each complaint to give them an opportunity to submit a written answer.

[3] Source: U.S. Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Estimates, see Occupational Code #00–0000, All Occupations (*https://www.bls.gov/oes/2018/may/oes_nat.htm*).

[4] Derived from the U.S. Bureau of Labor Statistics, Employer Costs for Employee Compensation–September 2019 (*https://www.bls.gov/news.release/archives/ecec_09172019.pdf,* September 17, 2019 release), which indicates that wages and salaries were 68.6% of total employee compensation (salary and benefits) providing a fringe benefit factor of about 1.4577 (=1 ÷ 0.686). The FAA uses this factor to estimate the total ''burdened'' employee compensation (salary and benefits) hourly wage rate of $36.36 (=$24.98 × 1.4557).

[5] *https://www.gpo.gov/docs/default-source/gpoexpress-pdf-files/gpo_express_pricelist.pdf.*

[6] *https://www.usps.com/ship/insurance-extra-services.htm.*

[7] The FAA assumes that 75% of the work would be performed by an FAA attorney at a grade level 14 step five hourly wage of $60.83 and 25% by an FAA attorney at a grade level 15 step five hourly wage of $71.56 (wages based on U.S. Office of Personnel Management General Schedule Salary Data).

[8] The FAA uses a civilian fringe benefit cost factor of 36.25% (or 1.3625) to estimate the total ''burdened'' FAA employee compensation (salary and benefits) hourly wage rate of $86.54 (=$63.51 × 1.3625). The civilian fringe benefit cost factor is based on guidance from the U.S. Office of Management and Budget (*https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2008/m08-13.pdf*).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Interstate 405 ExpressLanes Project, in Los Angeles County, California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of intent (NOI) to prepare a draft environmental impact statement for the Interstate 405 (I–405) ExpressLanes project.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to advise the public that a Draft EIS will be prepared for the I–405 ExpressLanes

project, a proposed highway project in Los Angeles County, California.

DATES: The formal scoping period has been extended and will occur from August 3 through October 1, 2021. The deadline for comments is 5:00 p.m. on October 1, 2021. Three virtual public scoping meetings have been held on:

- Saturday, August 14, 2021; 10 a.m.–12 p.m.
- Tuesday, August 17, 2021; 6–8 p.m.
- Wednesday, August 18, 2021; 11:30 a.m.–1:30 p.m.

ADDRESSES: The virtual meeting link was made available on the project website at *www.metro.net/405expresslanes*. A recording of one of the public scoping meetings, in English and in Spanish, is available for viewing via the interactive StoryMap on the project website.

FOR FURTHER INFORMATION CONTACT: For Caltrans, contact Ronald Kosinski, Deputy District Director, Division of Environmental Planning, Caltrans District 7, 100 S Main Street, MS 16A, Los Angeles, CA, 90012, (213) 507–4301, or email *ron.kosinski@dot.ca.gov*. For FHWA, contact David Tedrick, telephone (916) 498–5024, or email *David.tedrick@dot.gov*.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Caltrans, as the assigned National Environmental Policy Act (NEPA) agency, will prepare a Draft EIS on a proposal for a highway improvement project in Los Angeles County, California.

The Project proposes to improve traffic conditions on Interstate 405 (I–405) starting in the south at Interstate 10 (I–10) and terminating in the north at U.S. Highway 101 (US–101). The proposed Project will reduce congestion, encourage carpooling and transit, improve trip reliability, reduce degradation of the carpool and general-purpose lanes, increase person throughput, and apply technology to help manage traffic. The range of improvements may include, but not be limited to, converting existing HOV lanes to ExpressLanes or adding an additional Express Lane in each direction and converting existing HOV lanes to ExpressLanes.

Currently, the following alternatives are being considered, all approximately 10 miles in length:

- *Alternative 1:* The No-Build/No Action Alternative does not include improvements to the existing lanes along I–405 between I–10 and US–101.
- *Alternative 2:* Convert Existing HOV to One ExpressLane (Standard Lane and Shoulder Widths). This build alternative would convert the existing HOV lane in each direction, along I–405 between I–10 and US–101, to an ExpressLane. The northbound and southbound directions of the freeway would be restriped within the existing footprint to accommodate one 12-foot wide ExpressLane with a 4-foot wide buffer separating the ExpressLane from the 12-foot wide general-purpose lanes. Dynamic pricing would be deployed in the ExpressLane to ensure trip reliability and traffic flow. Installation of toll and communication infrastructure and modification/installation of overhead signs would be required. Alternative 2 proposes to widen the freeway, where necessary, to accommodate an additional weave lane at ExpressLane ingress/egress locations and maintain stopping sight distance at curves. Non-standard inside shoulders would be maintained in a few locations where constraints exist, and standard 10-foot outside shoulders would be provided where possible. Retaining walls would be provided where required to minimize and avoid right-of-way (ROW) acquisition. Other improvements include construction of retaining walls and sound walls, utility improvements, and drainage improvements.
- *Alternative 3:* Convert Existing HOV Lane to Two ExpressLanes (Non-Standard Lane and Shoulder Widths). This build alternative would convert the existing HOV lane to an ExpressLane and add a second ExpressLane in each direction between I–10 and US–101. The freeway would be widened and restriped to accommodate the two ExpressLanes with a buffer separating the ExpressLanes from the general-purpose lanes. Dynamic pricing would be deployed in the ExpressLanes to ensure trip reliability and traffic flow. Installation of toll and communication infrastructure and modification/installation of overhead signs would be required. Alternative 3 proposes to widen the freeway to the outside in order to accommodate the proposed two-lane ExpressLane facility as described. Non-standard lanes and shoulders would be provided to accommodate for the addition of the new ExpressLanes as part of Alternative 3. Retaining walls would be provided where required to minimize and avoid ROW acquisition. The reduction of shoulder and lane widths allows for accommodation of the proposed two-lane ExpressLane facility without significant proposed roadway widening. However, in locations with the following conditions, additional roadway widening may be required:
  - 12-foot wide weaving lane at ExpressLane ingress/egress locations.
  - Widening of inside/outside shoulders to maintain sight distance.

  Other improvements include construction of retaining walls and sound walls, utility improvements, and drainage improvements.
- *Alternative 4:* Convert Existing HOV Lane to Two ExpressLanes (Standard Lanes and Shoulder Widths). This build alternative would convert the existing HOV lane, between I–10 and US–101, to an ExpressLane in each direction, and a second ExpressLane in each direction would also be added, while providing standard lane widths, shoulder widths and stopping sight distances. The freeway would be widened and restriped to accommodate the two ExpressLanes with a buffer separating the ExpressLanes from the general-purpose lanes. Dynamic pricing would be deployed in the ExpressLanes to ensure trip reliability and traffic flow. Installation of toll and communication infrastructure and modification/installation of overhead signs would be required. Alternative 4 proposes to widen the freeway to the outside in order to accommodate the proposed standard two-lane ExpressLane facility as described. Retaining walls would be provided where required to minimize and avoid ROW acquisition. Reconstruction of some existing freeway structures would be required to implement Alternative 4's standard roadway cross-section. Other improvements include construction of retaining walls and sound walls, utility improvements, and drainage improvements.
- *Alternative 5:* Add an Additional HOV Lane (Non-standard Lane and Shoulder Widths). This build alternative would add an additional HOV lane, between I–10 and US–101, in each direction. The freeway would be widened and restriped to accommodate the two HOV lanes with a buffer separating the HOV lanes from the general-purpose lanes. Alternative 5 proposes to widen the freeway to the outside in order to accommodate the proposed two-lane HOV facility as described. Non-standard lanes and shoulders would be provided in order to accommodate for the addition of the new HOV lane as part of Alternative 5. Retaining walls would be provided where required to minimize and avoid ROW acquisition. The reduction of shoulder and lane widths allows for accommodation of the proposed two-lane HOV facility without significant proposed roadway widening. However,

in locations with the following conditions, additional roadway widening may be required:

- 12-foot wide weaving lane at HOV ingress/egress locations.
- Widening of inside/outside shoulder to maintain sight distance.

Other improvements include construction of retaining walls and sound walls, utility improvements, and drainage improvements.

Anticipated Federal and State approvals include permits under the National Pollutant Discharge Elimination System (NPDES), Clean Water Act (CWA) Section 401 Water Quality, CWA Section 404 Nationwide Permit from the United States Army Corps of Engineers (USACE), California Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), Section 7 Consultation with the United States Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA), and CDFW 2080.1 Consistency Determination for listed species under the California Endangered Species Act (CESA).

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, Participating Agencies, Tribal governments and groups, local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. The public scoping process officially began in August 2021. Virtual public scoping meetings were held in August 2021. Comments may be submitted during the public scoping period via mail, email, the project website comment form, or the project hotline. Submit comments by mail to the following address: Ron Kosinski, Deputy District Director, Caltrans District 7, 100 S Main Street, MS 16A, Los Angeles, CA 90012. Submit comments by email to *405expresslanes@metro.net*. Submit comments via comment form on the project website at *www.metro.net/405expresslanes*. Submit oral comments by calling (213) 922–4860 to leave a voice recording. All comments must be received no later than October 1, 2021 at 5:00 p.m. In addition, a public hearing will be held once the Draft EIS is completed. Public notice will be given of the time and place of the meeting and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to Caltrans at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 1, 2021.

Rodney Whitfield,

Director, Financial Services, Federal Highway Administration, California Division.

[FR Doc. 2021–19314 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[PHMSA–2019–0098]

Lithium Battery Air Safety Advisory Committee; Notice of Public Meeting

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Lithium Battery Air Safety Advisory Committee.

DATES: The meeting will be held on September 22, 2021, from 10:00 a.m. to 5:30 p.m. Eastern Standard Time. Requests to attend the meeting must be sent by September 8, 2021 to the point of contact identified in the **FOR FURTHER INFORMATION CONTACT** section. Persons requesting to speak during the meeting must submit a written copy of their remarks to DOT by September 8, 2021. Requests to submit written materials to be reviewed during the meeting must be received no later than September 8, 2021.

ADDRESSES: The meeting will be held virtually. Details to access the virtual meeting will be posted on the Committee website located at: *https://www.phmsa.dot.gov/hazmat/rulemakings/lithium-battery-safety-advisory-committee.* If the guidelines concerning the global health emergency change, PHMSA may hold a hybrid meeting. Detail on a hybrid meeting will also be posted on the Committee website. The E-Gov website is located at *https://www.regulations.gov.* Mailed written comments intended for the Committee should be sent to Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Lindsey Constantino or Steven Webb, PHMSA, U.S. Department of Transportation. Telephone: (202)–366–8553. Email: *lithiumbatteryFACA@dot.gov.* Any committee related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The Lithium Battery Air Safety Advisory Committee was created under the Federal Advisory Committee Act (FACA, Pub. L. 92–463), in accordance with Section 333(d) of the FAA Reauthorization Act of 2018 (Pub. L. 115–254).

II. Agenda

At the meeting, the agenda will cover the following topics as specifically outlined in section 333(d) of Public Law 115–254:

(a) Facilitate communication amongst manufactures of lithium batteries and products containing lithium batteries, air carriers, and the Federal government.

(b) Discuss the effectiveness, and the economic and social impacts of lithium battery transportation regulations.

(c) Provide the Secretary with information regarding new technologies and transportation safety practices.

(d) Provide a forum to discuss Departmental activities related to lithium battery transportation safety.

(e) Advise and recommend activities to improve the global enforcement of air transportation of lithium batteries, and the effectiveness of those regulations.

(f) Provide a forum for feedback on potential U.S. positions to be taken at international forums.

(g) Guide activities to increase awareness of relevant requirements.

(h) Review methods to decrease the risk posed by undeclared hazardous materials.

A final agenda will be posted on the Lithium Battery Air Safety Advisory Committee website at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public. DOT 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 no later than September 8, 2021.

To accommodate as many speakers as possible, time for each commenter may be limited. There will be five minutes allotted for oral comments from members of the public joining the meeting. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, PHMSA may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to Lithium Battery Air Safety Advisory Committee members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

Copies of the meeting minutes, and committee presentations will be available on the Lithium Battery Air Safety Advisory Committee website. Presentations will also be posted on the E-Gov website in docket number PHMSA [PHMSA–2019–0098], within 30 days following the meeting.

Written Comments: Persons who wish to submit written comments on the meetings may submit them to docket [PHMSA–2019–0098] in the following ways:

1. E-Gov Website: This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

2. Mail Instructions: Identify the docket number [PHMSA–2019–0098] at the beginning of your comments. Note that all comments received will be posted without change to the E-Gov website, including any personal information provided. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477), or view the Privacy Notice on the E-Gov website before submitting comments.

Docket: For docket access or to read background documents or comments, go to the E-Gov website at any time or visit the DOT dockets facility listed in the **ADDRESSES** category, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on [PHMSA–2019–0098]'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to the E-Gov website, as described in the system of records notice (DOT/ALL–14 FDMS).

Issued in Washington, DC, on August 31, 2021.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2021–19159 Filed 9–3–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Docket No.: OFAC–2021–0002]

Agency Information Collection Activities; Proposed Collection; Comment Request for Rough Diamonds Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Foreign Assets Control (OFAC) within the Department of the Treasury is soliciting comments concerning OFAC's information collection requirements contained within OFAC's Rough Diamonds Control Regulations.

DATES: Written comments must be submitted on or before November 8, 2021 to be assured of consideration.

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

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions on the website for submitting comments.

Email: OFACreport@treasury.gov with Attn: Request for Comments (Rough Diamonds Control Regulations).

Instructions: All submissions received must include the agency name and refer to Docket Number OFAC–2021–0002 and the Office of Management and Budget (OMB) control number 1505–0198. Comments received will be made available to the public via *https://www.regulations.gov* or upon request, without change and including any personal information provided.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Title: Rough Diamonds Control Regulations.

OMB Number: 1505–0198.

Type of Review: Extension without change of a currently approved collection.

Description: The collections of information are contained in section 592.301(a)(3) of OFAC's Rough Diamonds Control Regulations. The person identified as the ultimate consignee on the Customs Form 7501 Entry Summary or its electronic equivalent is required to report that person's receipt of a shipment of rough diamonds to the relevant foreign exporting authority within 15 calendar days of the date that the shipment arrived at the U.S. port of entry.

Forms: Section 592.301(a)(3) states that the report filed by the ultimate consignee need not be in any particular form and may be submitted electronically or by mail or courier.

Affected Public: Business organizations and individuals engaged in the international diamond trade.

Estimated Number of Respondents: Based on data received from the U.S. Department of Homeland Security, U.S. Customs and Border Protection, the estimate for the number of unique reporting respondents is approximately 66 respondents per year.

Frequency of Response: The estimated annual frequency of responses is approximately 7 per respondent, based on average transaction volume.

Estimated Total Number of Annual Responses: The estimated total number of responses per year is approximately 467.

Estimated Time per Response: OFAC assesses that there is an average time estimate of 10 minutes per response.

Estimated Total Annual Burden Hours: The estimated total annual reporting burden is approximately 78 hours.

Request for Comments

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: September 1, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021–19255 Filed 9–3–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to the Allocation of Expenses by Real Estate Mortgage Investment Conduits

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to real estate mortgage conduits; reporting requirements and other administrative matters; and allocation of allocable investment expense; original issue discount reporting requirements.

DATES: Written comments should be received on or before November 8, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Allocation of expenses by real estate mortgage investment conduits.

OMB Number: 1545–1018.

Regulation Project Number: TD 8366 and TD 8431.

Abstract: In general, a REMIC is a fixed pool of mortgages in which multiple classes of interests are held by investors and which elects to be taxed as a REMIC. The regulations under section 860D prescribe the way an entity elects status as a REMIC. The regulations under section 860F govern the filing of the REMIC's income tax return and, together with the regulations under sections 67 and 6049 require notice of income and other information to be provided to REMIC investors and the Internal Revenue Service. Investors use the information provided in sections 67 and 6049 while completing their income tax returns. The Internal Revenue Service will use this information to determine that taxpayers are complying with the applicable tax laws.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Responses: 9,725

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 978.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 1, 2021.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2021–19182 Filed 9–3–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Requirements Related to Energy Efficient Homes Credit; Manufactured Homes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the guidance for taxpayers regarding information collection requirements related to energy efficient homes credit, manufactured homes.

DATES: Written comments should be received on or before November 8, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Energy Efficient Homes Credit; Manufactured Homes.

OMB Number: 1545–1994.

Regulation Project Number: Notice 2008–36, Notice 2008–35.

Abstract: This notice supersedes Notice 2006–28 by substantially republishing the guidance contained in that publication. This notice clarifies the meaning of the terms equivalent rating network and eligible contractor and permits calculation procedures other than those identified in Notice 2006–28 to be used to calculate energy consumption. Finally, this notice clarifies the process for removing software from the list of approved software and reflects the extension of the tax credit through December 31, 2008. Notice 2006–28, as updated, provided guidance regarding the calculation of heating and cooling energy consumption for purposes of determining the eligibility of a manufactured home for the New Energy Efficient Home Credit under Internal Revenue Code § 45L. Notice 2006–28 also provided guidance relating to the public list of software programs that may be used to calculate energy consumption. Guidance relating to dwelling units other than manufactured homes is provided in Notice 2008–35.

Current Actions: There is no change to the burden previously approved. Notice 2008–35 and Notice 2008–36 are related publications that were issued at the same time. While the credit for new energy efficient homes acquired (by sale or lease) after December 31, 2017 is no longer available, the notices are still relied upon by taxpayers to claim the section 45L credit.

Because these notices are still relied upon by taxpayers to claim the section 45L credit and it is plausible that taxpayers will continue to claim the credit on amended returns into 2023, IRS is seeking to continue the approval number with OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 15.

Estimated Time per Respondent: 4 hrs.

Estimated Total Annual Burden Hours: 60.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 1, 2021.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2021–19236 Filed 9–3–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0891]

Agency Information Collection Activity: COVID–19 Refund Modification

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), 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 November 8, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0891'' 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. 2900–0891'' 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, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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: 38 CFR 36.4338(a).

Title: COVID–19 Refund Modification.

OMB Control Number: 2900–0891.

Type of Review: Extension of a currently approved collection.

Abstract: VA is temporarily expanding the list of loan modification options available to servicers that do not require VA's prior approval to include a new loan modification, the COVID–19 Refund Modification, to assist certain COVID-impacted veterans as they exit a COVID–19 forbearance. Under 38 U.S.C. 3720(a)(2), Congress has provided the Secretary with discretion ''[n]otwithstanding the provisions of any other law'' to set the terms and conditions to which the Secretary will consent to loan modifications. Additionally, while VA has outlined in regulation at 38 CFR 36.4315(a) the terms of loan modifications that do not require prior VA approval, VA may waive a regulatory requirement if VA finds the interest of the Government are not adversely affected and such waiver would relieve undue prejudice to a debtor, holder, or other person without impairing the vest rights of any person affected. 38 CFR 36.4338(a).

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,800.

Estimated Average Burden per Respondent: 90 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 17,200.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, Alt. Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–19386 Filed 9–3–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0892]

Agency Information Collection Activity: Reimbursement of Preparatory (PREP) Course for Licensing or Certification Test

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, 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 revision 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 November 8, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0892'' 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. 2900–0892'' 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, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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: Section 5, Public Law 116–154.

Title: Reimbursement of Preparatory (PREP) Course for Licensing or Certification.

OMB Control Number: 2900–0892.

Type of Review: Revision of a currently approved collection.

Abstract: The information collected on the VA Form 22–10272 will be utilized to permit beneficiaries to apply for reimbursement of approved preparatory courses taken to assist with preparing for a Licensing or Certification Test. VA will use data from this information collection to ensure eligible Post 9/11 GI Bill (chapter 33) and Survivors' and Dependents' Educational Assistance (DEA or chapter 35) can receive payment for attending the approved preparatory course. Without the utilization of this form, eligible beneficiaries will not be able to apply for the reimbursement they may be rightly entitled to pursuant to 38 U.S.C. 3315B.

Affected Public: Individuals and households.

Estimated Annual Burden: 71 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Occasionally.

Estimated Number of Respondents: 285.

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. 2021–19270 Filed 9–3–21; 8:45 am]

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