

requesting partial distributions of an amount confidentially calculated by the Licensing Division that equals 50% of the average satellite royalty awarded to MGC for 2010–2013, as applied against the 2015–2017 satellite royalties collected. Motion at 4.<sup>1</sup>

The Settling Devotional Claimants (SDC) opposed the Motion as well as a separate motion that MGC filed in the companion cable docket. See Settling Devotional Claimants' Opposition to Multigroup Claimants' Motion for Partial Distribution of 2015–2017 Cable and Satellite Royalty Funds (Opposition).<sup>2</sup> MGC filed a Reply in support of its Motion. See Multigroup Claimants' Reply in Support of Motion for Partial Distribution of 2015–2017 Satellite Royalties (Aug. 13, 2021).<sup>3</sup>

Prior to ruling on a motion for partial distribution filed under § 801(b)(3)(C) of the Copyright Act, the Judges must publish a notice in the **Federal Register** to determine whether any interested claimant entitled to receive such royalty fees has a reasonable objection to the partial distribution. Accordingly, this Notice seeks comments from interested claimants on whether any reasonable objection exists that would preclude the distribution to MGC of the requested amounts from the 2015–2017 satellite royalty funds. As the Judges have commenced a distribution proceeding concerning 2014–2017 satellite royalties, only claimants that have filed petitions to participate in the proceeding (or are included in a petition to participate filed on their behalf) are “interested claimants” for purposes of this Notice. Interested claimants objecting to the partial distribution must advise the Judges of the existence and extent of all objections by the end of the comment period. The Judges will not consider any objections with respect to the partial distribution motion that come to their attention after the close of the comment period.<sup>4</sup>

Dated: September 8, 2021.

**Jesse M. Feder,**

*Chief Copyright Royalty Judge.*

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<sup>1</sup> The Motion can be found at <https://app.crb.gov/document/download/25503>.

<sup>2</sup> The Opposition can be found at <https://app.crb.gov/document/download/25572>.

<sup>3</sup> The Reply can be found at <https://app.crb.gov/document/download/25603>.

<sup>4</sup> The Judges deem the SDC's Opposition and MGC's Reply to constitute timely comments and will consider them, together with any other comments they receive during the comment period, in determining whether any reasonable objection exists that would preclude the requested distribution to MGC.

## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 21–08]

### Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2022 and Countries That Would Be Candidates But for Legal Prohibitions

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** The Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are “candidate countries” for Millennium Challenge Account assistance during fiscal year 2022. The report is set forth in full below.

(Authority: Section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a))

Dated: September 8, 2021.

**Thomas G. Hohenthanner,**

*Acting VP/General Counsel and Corporate Secretary.*

### Report on Countries That Are Candidates for Millennium Challenge Compact Eligibility for Fiscal Year 2022 and Countries That Would Be Candidates But for Legal Prohibitions

#### Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance for global development through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible countries for fiscal year (FY) 2022 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people, (b) the opportunity to reduce poverty and generate economic growth in the country, and (c) the availability of funds to MCC. These steps include the submission to the congressional committees specified in the Act and publication in the **Federal Register** of reports on the following:

- The countries that are “candidate countries” for FY 2022 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

- The criteria and methodology that the MCC Board of Directors (the Board) will use to measure and evaluate the relative policy performance of the “candidate countries” consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine “eligible countries” from among the “candidate countries” (section 608(b) of the Act); and

- The list of countries determined by the Board to be “eligible countries” for FY 2022, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

#### Candidate Countries for FY 2022

The Act requires the identification of all countries that are candidate countries for FY 2022 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Under sections 606(a) and (b) of the Act, candidate countries must qualify as low income or lower middle income countries as defined in the Act.

Specifically, a country will be a candidate country in the low income category for FY 2022 if it

- has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year (\$4,095 gross national income per capita for FY 2022);
- is among the 75 countries identified by the World Bank as having the lowest per capita income; and
- is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

A country will be a candidate country in the lower middle income category for FY 2022 if it

- has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year (\$4,095 gross national income per capita for FY 2022);
- is not among the 75 countries identified by the World Bank as having the lowest per capita income; and

• is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of the Foreign Assistance Act or any other provision of law.

Under section 606(c) of the Act as applied for FY 2022, a country with per capita income changes from FY 2021 to FY 2022 such that the country would be reclassified from the low income category to the lower middle income category or vice versa will retain its income status in its former category for FY 2022 and two subsequent fiscal years (FY 2023 and FY 2024). A country that has transitioned to the upper middle income category does not qualify as a candidate country.

Pursuant to section 606(d) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2022. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2021 under the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. J., Pub. L. 116–94) (FY 2021 SFOAA).

#### Candidate Countries: Low Income Category

1. Afghanistan
2. Angola
3. Bangladesh
4. Benin
5. Bhutan
6. Bolivia
7. Burkina Faso
8. Burundi
9. Cabo Verde
10. Cameroon
11. Central African Republic
12. Chad
13. Congo, Democratic Republic of the
14. Congo, Republic of the
15. Côte d'Ivoire
16. Djibouti
17. Egypt
18. El Salvador
19. Eswatini
20. Gambia, The
21. Ghana
22. Guinea
23. Haiti
24. Honduras
25. India
26. Kenya
27. Kiribati
28. Kyrgyzstan
29. Laos
30. Lesotho
31. Liberia
32. Madagascar
33. Malawi
34. Mauritania
35. Mongolia
36. Morocco
37. Mozambique

38. Nepal
39. Niger
40. Nigeria
41. Pakistan
42. Papua New Guinea
43. Rwanda
44. Sao Tome and Principe
45. Senegal
46. Sierra Leone
47. Solomon Islands
48. Somalia
49. Tajikistan
50. Tanzania
51. Timor-Leste
52. Togo
53. Tunisia
54. Uganda
55. Ukraine
56. Uzbekistan
57. Vanuatu
58. Vietnam
59. Yemen
60. Zambia

#### Candidate Countries: Lower Middle Income Category

1. Algeria
2. Belize
3. Indonesia
4. Micronesia, Federated States of
5. Philippines
6. Samoa

#### *Countries That Would Be Candidate Countries But for Legal Provisions That Prohibit Assistance*

Countries that would be considered candidate countries for FY 2022 but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 27, 2021.

#### Prohibited Countries: Low Income Category

• Burma is ineligible to receive foreign assistance, including due to concerns relative to its record on human rights and pursuant to the military coup restriction in section 7008 of the FY 2021 SFOAA.

• Cambodia is ineligible to receive foreign assistance pursuant to section 7043(b)(2) of the FY 2021 SFOAA, which restricts (with limited exceptions) assistance to the Government of Cambodia unless the Secretary of State certifies that the Government of Cambodia is taking effective steps to strengthen regional security and stability and respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia.

• Comoros is ineligible to receive foreign assistance due to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• Eritrea is ineligible to receive foreign assistance due to its human rights record and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• Ethiopia is ineligible to receive foreign assistance due to its human rights record.

• Guinea-Bissau is ineligible to receive foreign assistance due to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• Iran is ineligible to receive foreign assistance, including due to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• Korea, North is ineligible to receive foreign assistance, including due to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• Mali is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2021 SFOAA.

• Nicaragua is ineligible to receive foreign assistance, including due to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• South Sudan is ineligible to receive foreign assistance pursuant to section 7042(i)(2) of the FY 2021 SFOAA due to its human rights record.

• Sudan is ineligible to receive foreign assistance including due to the military coup restriction in section 7008 of the FY 2021 SFOAA.

• Syria is ineligible to receive foreign assistance due to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• Zimbabwe is ineligible to receive foreign assistance, including pursuant to section 7042(k)(2) of the FY 2021 SFOAA, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

#### Prohibited Countries: Lower Middle Income Category

• Sri Lanka is ineligible to receive foreign assistance pursuant to section 7044(e)(2) of the FY 2021 SFOAA,

which restricts (with limited exceptions) assistance for the central government unless the Secretary makes certain certifications regarding actions taken by the Government of Sri Lanka and reports to the Committees on Appropriations.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2022.

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## NUCLEAR REGULATORY COMMISSION

[NRC-2020-0237]

### Considerations for Estimating Site-Specific Probable Maximum Precipitation at Nuclear Power Plants in the United States of America

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** NUREG; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a knowledge management NUREG, NUREG/KM-0015, "Considerations for Estimating Site-Specific Probable Maximum Precipitation at Nuclear Power Plants in the United States of America." The NRC staff and Oak Ridge National Laboratory have prepared a reference document summarizing recent lessons-learned in connection with a review of the site-specific probable maximum precipitation (SSPMP) estimates used by some nuclear power plant owners and operators in connection with a recent re-evaluation of external flooding at their respective project sites.

**DATES:** NUREG/KM-0015 is available on September 13, 2021.

**ADDRESSES:** Please refer to Docket ID NRC-2020-0237 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-2020-0237. Address

questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto: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](mailto:pdr.resource@nrc.gov). NUREG/KM-0015, "Considerations for Estimating Site-Specific Probable Maximum Precipitation at Nuclear Power Plants in the United States of America" is available in ADAMS under Accession No. ML21245A418.

- *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](mailto: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:**

Kevin Quinlan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6809, email: [Kevin.Quinlan@nrc.gov](mailto:Kevin.Quinlan@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

By letter dated March 12, 2012, the NRC issued a request for information to all power reactor licensees and holders of construction permits in active or deferred status licensees to reevaluate seismic and external flooding for their sites against current Commission requirements and guidance. This request was made consistent with paragraph 50.54(f) of title of the *Code of Federal Regulations* (10 CFR), "Conditions of licenses." The request was issued in connection with implementing lessons-learned identified by the staff, and described in their Near-Term Task Force Report, following the 2011 accident at the Fukushima Dai-ichi nuclear power plant. In connection with this request, owners and operators were to re-evaluate flood hazards at their respective sites using present-day methods and regulatory guidance used by the NRC staff when reviewing 10 CFR part 52 applications for Early Site

Permits and Combined Operating Licenses.

In response to the staff's 2012 § 50.54(f) information request, owners and licensees submitted about 60 external flood hazard re-evaluation reports (FHRRs) corresponding to the operating fleet of power reactors. In the matter of the probable maximum precipitation (PMP) value used for some of the flood-hazard re-evaluations (primarily the estimation of local intense precipitation and riverine-based floods), current NRC guidance documents recommend the use of the PMP estimation methods described in a series of Hydrometeorological Reports (HMRs) developed by the National Oceanographic and Atmospheric Administration (NOAA). The PMP event itself is generally defined as the greatest depth of precipitation for a given duration meteorologically possible for a design watershed or a given storm area at a particular time of year. The estimated PMP over a particular watershed or basin results in a flood magnitude for which there is virtually no risk of exceeding. The challenge, however, is that HMR-derived PMP estimates are based on methodologies and data which have not been updated with rainfall and storm events which have occurred in the decades since the HMRs were last published.

Upon review of the FHRRs, the staff found that about 26 project sites responding to the § 50.54(f) information request submitted PMP estimates that were not based on NOAA HMRs but were developed by a commercial interest. As part of the FHRR process, the staff conducted an audit of the commercial vendor who developed the site-specific PMP estimates to better understand the technical basis underlying the approach. In all cases, these SSPMP estimates were less than those obtained from the applicable HMR. Although the development and estimation of the SSPMP studies reviewed by the staff generally followed processes similar to those described in the existing guidance, several different methods, data sources, assumptions, and procedures were used to obtain site specific results other than those found using the HMR methodology.

Based on the staff's § 50.54(f) review experience and in anticipation of its continued use, this NUREG summarizes the lessons-learned concerning the review and application of a SSPMP. To that end, this NUREG addresses the following topics:

- Storm Selection
- Storm Reconstruction
- Storm Transposition