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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1468

[Docket ID NRCS-2019-0006]

RIN 0578-AA66

Agricultural Conservation Easement Program

AGENCY: Natural Resources Conservation Service (NRCS) and the Commodity Credit Corporation (CCC), United States Department of Agriculture.

ACTION: Final rule.

SUMMARY: This final rule adopts, with minor changes, an interim rule published in the *Federal Register* on January 6, 2020. The interim rule implemented changes to ACEP that were necessitated by enactment of the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) and changes for administrative streamlining improvements and clarifications. This final rule makes permanent many of the changes made in the interim rule, responds to comments received, and makes further adjustments in response to some of the comments received.

DATES: Effective: February 4, 2021.

FOR FURTHER INFORMATION CONTACT: Carrie Lindig, (202) 720-1882, or carrie.lindig@usda.gov. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

The 2018 Farm Bill reauthorized and amended ACEP. The 2018 Farm Bill authorized the use of the existing regulations that had been implemented under the Agricultural Act of 2014 for the remainder of FY 2019 to the extent that those regulations were consistent with the 2018 Farm Bill changes.

On January 6, 2020, CCC published an interim rule with request for comments in the *Federal Register* (85 FR 558-590) that implemented mandatory changes made by the 2018 Farm Bill or that were required to implement administrative improvements and clarifications. This final rule adopts, with minor changes, the interim rule.

Discussion of ACEP (7 CFR part 1466)

ACEP helps farmers and ranchers preserve their agricultural land and restore, protect, and enhance wetlands on eligible lands. The program has two components:

- (1) Agricultural land easements (ACEP-ALE); and
- (2) Wetland reserve easements (ACEP-WRE).

The Secretary of Agriculture delegated authority to the Chief, NRCS, to administer ACEP.

Through ACEP-ALE, NRCS provides matching funds to eligible entities that are State, Tribal, and local governments, and nongovernmental organizations with farm and ranch land protection programs, to purchase agricultural land easements. Agricultural land easements are permanent or for the maximum duration authorized by State law.

Through ACEP-WRE, NRCS protects wetlands on eligible lands by purchasing an easement directly from eligible landowners or entering into 30-year contracts on acreage owned by Indian Tribes, in each case providing for the restoration, enhancement, and protection of wetlands and associated lands. Wetland reserve easements may be permanent, 30-years for acreage owned by Indian Tribes, or the maximum duration authorized by State law.

Participation in either ACEP-ALE or ACEP-WRE is voluntary.

The interim rule:

- Incorporated changes to the ACEP purposes to limit nonagricultural uses that negatively affect agricultural uses and conservation values;
- Added language to specify general monitoring responsibilities under ACEP-ALE and ACEP-WRE;
- Removed references to the Regional Conservation Partnership Program (RCPP) as the 2018 Farm Bill revised RCPP as a stand-alone program, which is now in 7 CFR part 1464;
- Added definitions to reflect 2018 Farm Bill changes: Buy-protect-sell (BPS) transaction, monitoring report,

wetland restoration, easement administration action, grazing management plan, and nonindustrial private forest land;

- Removed definitions for: Active agricultural production, forest land, forest land of statewide importance, and projects of special significance;

- Made changes to easement administration actions, including specifying the criteria that apply to each type of easement administrative actions;

- Made revisions to the environmental markets section in response to the 2018 Farm Bill;

- Removed the requirement that an eligible entity provide evidence at the time of application that they have funds available to meet the minimum cash contribution requirement;

- Eliminated the requirement that land with a certain amount of forest land have a forest management plan;

- Replaced the term “proposed” with “permitted” in text about the types of rights-of-way, infrastructure development, or other adjacent land uses whose impacts may cause land to be considered ineligible;

- Specified that under a BPS transaction, the eligible entity for meeting payment eligibility requirements (highly erodible land and wetland conservation, and Adjusted Gross Income (AGI)) is the landowner unless the eligible entity sells the fee title to a qualified farmer or rancher prior to, or at the time of, the easement closing, in which case the farmer or rancher purchaser must meet payment eligibility requirements;

- To address BPS transactions, specified that eligible lands owned by the eligible entity may be eligible for enrollment if the land is owned, on a transitional basis, to protect the land through securing an agricultural land easement on the land and to transfer fee title ownership to a farmer or rancher;

- Specified eligibility requirements related to BPS transactions;

- Specified that NRCS will consider eligible entity cash contribution toward the easement purchase price and measures to increase agricultural viability as ranking criteria;

- Specified that appropriate terms and conditions must be included in the easement deed to address items agreed to by the eligible entity as a matter of ranking and basis for selection for funding;

- Removed the requirement for the eligible entity to contribute its own cash resources in an amount equal to 50 percent of the amount of the Federal share;
- Specified the incurred costs by the eligible entity associated with securing a deed to the easement that may be included in the calculation of the non-Federal share, and that the source and limit of other costs that may be included in the calculation of the non-Federal share;
- Removed reference to the availability of waivers for grasslands of special environmental significance since the specific eligible entity cash contribution requirement was removed;
- Added specificity to the right of enforcement conveyed to NRCS under the terms of an agricultural land easement;
- Removed the requirement that the agricultural land easement be subject to an ACEP–ALE plan;
- Specified the terms and conditions required by statute that must be addressed if the eligible entity chooses to allow subsurface mineral development on the land subject to the agricultural land easement;
- Revised the requirement for a conservation plan on highly erodible cropland;
- Provided that an eligible entity may include terms and conditions in the ACEP–ALE deed that are intended to keep the land subject to the easement under farmer or rancher ownership;
- Removed the stand-alone section regarding ACEP–ALE plans and captured in other sections the provisions related to development of required conservation plans or development of ACEP–ALE plans as agreed-to by the eligible entity;
- Incorporated two new categories under which an eligible entity may demonstrate that they meet the ACEP–ALE certification requirements and revised the criteria to require a minimum of 10 agricultural land easements under ACEP–ALE, or predecessor NRCS easement programs, for all eligible entities seeking certification;
- Specified the circumstances under which NRCS may exercise its right of enforcement under ACEP–ALE, including its right of inspection;
- Increased the percent of acres of total cropland in a county that may be subject to an ACEP–WRE easement to 15 percent;
- Removed the requirement for NRCS to seek input from the Secretary of the Interior at the local level in the determination of eligible land;

- Included water quality as an additional priority along with the priority placed on acquiring wetland reserve easements based on the value of the easement for protecting and enhancing habitat for migratory birds and other wildlife;
- Specified that grazing under reserve grazing rights wetland reserve easement or 30-year contract must comply with a wetlands reserve plan of operations (WRPO) developed by NRCS, which may include a grazing management plan component, and identified that the plan may be reviewed and modified as necessary, at least every 5 years; and
- Included new provisions related to the evaluation and authorization of compatible uses on wetland reserve easements, including that in evaluating and considering compatible uses NRCS will consider whether the use will facilitate the practical administration and management of the easement or contract area and ensure that the use furthers the functions and values for which the land was enrolled.

Summary of ACEP Comments

The interim rule 60-day comment period ended March 6, 2020, and was extended to March 20, 2020, to provide the public an opportunity to consider the January 24, 2020, correction. Seventy commenters, including individuals, organizations, and agencies, submitted comments to regulations.gov. NRCS reviewed the input from these 70 commenters in response to the rule and identified 576 comments contained within these 70 entries. NRCS reviewed these 576 comments and categorized and summarized them according to the topics identified below. The topics that generated the greatest response were on ALE ranking, ALE BPS transactions, and definitions.

Overall, the comments expressed general support for the changes made in the interim rule. Six comments were not relevant to the ACEP interim rule. Ten comments expressed general support for the regulation and three comments criticized the regulation in general. These comments did not include any recommendations for change.

NRCS appreciates all comments submitted and thanks each person and organization who expressed an opinion related to ACEP or the interim rule. NRCS will continue the endeavor to improve its customer service and the equitable dispensation of benefits under ACEP.

In this rule, the comments have been organized alphabetically by topic. The topics include:

- ALE Buy-Protect-Sell Transactions;

- ALE Contribution Requirements;
- ALE Deed Requirements and Terms;
- ALE Entity Certification;
- ALE Land Eligibility Issues;
- ALE Planning;
- ALE Program Requirements;
- ALE Ranking;
- Definitions;
- Easement Administration Actions;
- Environmental Markets;
- Fund Allocations;
- Landowner Eligibility—AGI Limitation Waiver;
- Program Administration; and
- WRE Issues.

This final rule responds to the comments received by the public comment deadline and makes minor clarifying and related changes.

ALE Buy-Protect-Sell Transactions

BPS transactions are arrangements under ALE, first authorized under the 2018 Farm Bill, between NRCS and an eligible entity where the entity owns or will own the land prior to the acquisition of the agricultural land easement on the property, and the eligible entity either:

(1) Sells fee title to the land to a farmer or rancher prior to or at easement closing; or

(2) Holds fee title at the time the agricultural land easement is conveyed on that land, and transfers ownership of the land subject to the easement to a farmer or rancher not later than 3 years after the date of acquisition of the agricultural land easement.

NRCS received comments related to BPS transactions, several of which expressed support for allowing BPS transactions. Remaining comments were as follows:

Comment: NRCS received comment related to the requirement to sell at agricultural value except that eligible entities could charge qualified farmers or ranchers certain holding and transactions costs. These comments requested a change to the amount an eligible entity may charge the qualified farmer or rancher as part of the sale of the property, recommending either that the 10-percent limitation be removed or increased to 10 percent of the total fair market value (FMV) of the property rather than 10 percent of the agricultural value. Other comments recommended that the sale be based on appraised agricultural value (rather than lesser of appraised agricultural value or original purchase price) to avoid a potential windfall to the purchaser that might raise private benefit or other issues under federal tax law if the eligible entity is a nongovernmental organization.

Response: The 10-percent limit was identified because NRCS may have to

recover costs if the conveyance includes more than “reasonable holding and transaction costs.” It is consistent with industry standards and the use of a published upper limit removes the potential for arbitrary decision making and expensive challenges in cost recovery cases. Additionally, this transaction type aims to help farmers and ranchers gain access to affordable farmland, and a limit on the holding and transaction costs that may be charged to the farmer or rancher ensures that there is no circumvention of that intent.

A discussion of the federal income tax regulatory requirement that an organization described in section 501(c)(3) of the Internal Revenue Code (IRC) operate for the benefit of public rather than private interests is outside the scope of both the jurisdiction of the United States Department of Agriculture and this rule. For more information about the requirements applicable to tax-exempt organizations, including those described in section 501(c)(3) of IRC, visit the IRS’s Charities and Nonprofits page at www.irs.gov/charities-and-nonprofits.

The ACEP statute requires the sale to be at “agricultural value” plus any reasonable holding costs. A sale at FMV assumes that the impact of the placement of the easement on the land will result in the highest and best use of the land being agriculture, and thus agricultural value. The alternative value, the purchase price at which the entity purchased the land, would have been at most, theoretically, FMV of the land without being encumbered by the easement. If the original purchase price of the property was less than FMV of the land encumbered with the easement, then ACEP assistance through a BPS arrangement is not necessary for the entity to have a viable transaction that would result in the same outcome and could occur without an investment of taxpayer funds.

This requirement ensures that eligible entities do not profit from the BPS transaction at the cost of the qualified farmer or rancher. The provision requiring the eligible entity to sell the property at the original purchase price, if lower than the appraised agricultural value, was similarly included to help farmers and ranchers gain access to affordable farmland. NRCS has clarified in the regulation that appraised agricultural value means agricultural value of the land. An eligible entity should seek tax or legal advice if a particular transaction, due to the entity’s unique circumstances, could jeopardize its tax-exempt status. In those instances, the entity can move

forward independently without ACEP assistance, especially if the entity would make a profit from the subsequent land transfer, which would negate the need for Federal funds.

No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting that the pre-closing transfer of BPS easements should allow for advance payments in addition to reimbursements.

Response: NRCS selected the reimbursement-only approach for pre-closing BPS transactions as it reduces the risk for cost-recovery by allowing NRCS and the entity to ensure the transaction meets all requirements prior to NRCS providing cost-share assistance. To ensure this risk is minimized across all BPS transactions, NRCS has clarified that payment of the Federal share will occur on a reimbursable basis for all BPS transaction types. Even under standard (non-BPS) ALE transactions, an advance payment may only be issued 30 days prior to closing. Therefore, the amount of time the eligible entity could be in receipt of easement funds in advance of the easement closing under the requested approach is minimal, whereas the reimbursement-only approach for BPS transactions significantly reduces risk and increases administrative savings for both the eligible entity and the Government. The regulation has been updated to make the Federal share payment provision more consistent across the BPS transaction types.

Comment: NRCS received comment related to adjusted gross income (AGI) waivers; two comments suggested adding AGI waivers for entities involved in BPS transactions who play an intermediary role as landowner. Another comment suggested automatically waiving AGI for BPS transactions because entities only act as pass-through organizations for the purpose of the contract.

Response: The requesting and granting of AGI waivers for landowners that the Farm Service Agency (FSA) has determined do not meet the AGI limitations must ultimately be addressed prior to providing ACEP funds. Determinations to waive AGI for landowners that do not meet the AGI limitations, as set forth in 7 CFR part 1400, must be based on a case-by-case basis. NRCS policy addresses when NRCS makes its eligibility determinations, including AGI, based on the BPS transaction type and provides maximum flexibility with respect to the timing of conducting AGI determinations. No change is made to the regulation in response to this issue.

Comment: NRCS received comment regarding the length of ACEP–ALE agreements for BPS transactions, including request for an extension beyond the 3-year ACEP–ALE agreement length (and 12-month extension) for post-closing transfers to a qualified buyer or an extension to a 5-year agreement length.

Response: NRCS provides a period of 3 years, plus a potential additional 12 months, to find a qualified buyer, in addition to the initial 2-year period provided to close on the easement, for a total of 6 years for an individual transaction. NRCS selected the 12-month extension for several reasons, largely based on the administrative burden associated with extending transactions further.

Additionally, NRCS recognizes that post-closing BPS transactions compete for the same ACEP funds that otherwise would be available to protect land that is already owned by a private or Tribal landowner or qualified farmer or rancher. Under a post-closing BPS transaction, until transfer to a qualified farmer or rancher takes place, the intended purposes of ACEP for which the Federal funds have been invested, are not fully realized. If the property is not ultimately transferred, then those Federal funds have been rendered unavailable for 5 to 6 years during which time they could have been used to protect another property that may have met ACEP purposes from the outset. Twelve months was chosen to ensure appropriate stewardship of Federal funds. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting addition of an option to purchase at agricultural value (OPAV) for BPS agreements to maintain maximum flexibility.

Response: Encumbered land under a BPS transaction must be sold at agricultural value to a qualified farmer or rancher. The ACEP statute at 16 U.S.C. 3865b(b)(4)(D)(i) specifically allows the inclusion of additional deed terms to keep the land subject to the ALE under the ownership of a farmer or rancher, which includes easement deeds that are part of a BPS transaction. However, NRCS must provide oversight to ensure that the use of an OPAV term in BPS transactions does not create an incentive for strawman sales to a qualified farmer or rancher just to meet statutory BPS requirements and then have the qualified farmer or rancher sell the land immediately back to the entity at agricultural value under the OPAV term. No change is made to the regulation in response to this issue.

Comment: NRCS received comment recommending modification of the penalty for failure to complete BPS transactions to a sliding scale of restitution rather than full repayment.

Response: The ACEP statute requires that the “Secretary shall be reimbursed for the entirety of the Federal share of the cost of the agricultural land easement by the eligible entity if the eligible entity fails to transfer ownership.” NRCS does not have any flexibility with respect to the level of restitution and therefore no change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting that eligibility for BPS transactions be expanded to include land owned by State and local governments.

Response: The statute identifies “eligible land” as “private or tribal land,” which land owned by a State or local government is not. However, this limitation does not preclude the involvement of a State or local government in a BPS transaction. A state or local government can serve as the interim easement holder while a non-governmental-eligible entity serves as the landowner until the land can be transferred to a qualified farmer or rancher. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting that, in the development of its policy for BPS transactions, the entity not be required to identify the landowner or sale price during the application and agreement phase.

Response: NRCS does not require the identification of the landowner or sale price during the application phase. The timing of the identification of the landowner and the sale price is specified in the ALE-agreement terms and based on the specific BPS transaction type as either a pre-closing or post-closing transfer. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting that land eligibility provisions be changed for BPS transactions, including removal of the “imminent threat” test example or addition of “advancing program goals” as a basis for eligibility.

Response: To align with the “Conference Report to Accompany H.R. 2—Agriculture Improvement Act of 2018” (Managers’ Report), the ACEP–ALE “eligible land” definition for BPS transactions was modified to “allow for agricultural land to be owned by an eligible entity on a transitional basis to qualify for program participation, provided that the land subject to the

agricultural land easement be transitioned to farmer or rancher ownership within 3 years.” Due to the transitional nature of this ownership, there are risks that the Federal investment in ACEP–ALE benefits will not be fully realized, risks that do not exist with standard ALE transactions. However, in some circumstances, such as an imminent threat of development, this risk is outweighed by the benefit of placing an easement on land not owned by an otherwise eligible private or Tribal landowner at the time the Federal funds are invested in the easement.

NRCS therefore states in the ACEP regulation that, to be eligible for a BPS transaction, the land must be subject to conditions that necessitate the ownership of the parcel by the eligible entity on a transitional basis prior to the creation of an agricultural land easement, and that these conditions may include land subject to an “imminent threat of development, including, but not limited to, planned or approved conversion of grasslands to more intensive agricultural uses.” Other conditions may also satisfy that requirement. NRCS made a slight editorial clarification in the regulation with respect to the requirement that the eligible entity must, within 12-months of the BPS agreement, have completed the initial purchase of the land or have demonstrated that completion of the purchase of the land is imminent.

No other change is made to the regulation in response to this issue.

Comment: NRCS received comment on the issue of merger of title in BPS transactions, including comment recommending deed term stating merger does not apply. Another comment encouraged NRCS and Office of the General Counsel to rely on an opinion of counsel eligible to practice in the State in which the ALE project is located to the effect that no merger would result through the transaction if the eligible entity: (1) Developed strong anti-merger language to allow it to grant an agricultural land easement to itself while still holding the fee title to the property, and then (2) reaffirmed the agricultural land easement at the time the eased parcel is sold to a farmer or rancher.

Response: ACEP–ALE is a nationwide program and State law varies on the effectiveness of an anti-merger clause; however, in general, entities may include a no merger clause in ALE deeds. However, NRCS does not believe that the combination of an anti-merger clause with the suggested attorney’s opinion sufficiently allows an eligible entity to temporarily hold the easement and the underlying fee at the same time.

NRCS contemplated this proposed BPS transaction structure in response to previous public comments. The comment received does not introduce new information resulting in a different determination with respect to the legal issues of easement creation, as an easement, by definition, are the rights held by someone in the land owned by another and is created at the time of the transfer to the other person.

The article supplied by the respondent reaffirmed this concept by identifying cases where courts determined that the doctrine of merger was not applicable due to the transfer of an easement to a third party. Merger of title addresses the extinguishment of an easement right due to a subsequent acquisition of fee title, while the BPS transactions present issues of easement creation. In addition to these issues, the conflict of interest inherent in this type of ownership scenario, which would impact enforcement, monitoring, and management of the easement and property, would not be mitigated by including an anti-merger provision. No change is made to the regulation in response to this issue.

Comment: NRCS received comment that parcel substitutions for BPS transactions should be allowed.

Response: Due to the unique and complex nature of BPS transactions, the ALE agreement includes terms that are specific to the individual transaction and ultimately constitute the ‘legal arrangement’ being entered into ‘relating to land owned . . . by an eligible entity’ for the purchase of an agricultural land easement on that particular piece of land. In contrast, the terms of the standard ALE agreement and contract appendix are applied universally to every parcel funded. No change is made to the regulation in response to this issue.

Comment: NRCS received comment recommending that changes to transaction type (pre-closing versus post-closing transfer) be allowed after entering into agreement.

Response: NRCS identified two types of BPS transactions in the interim rule: pre-closing and post-closing transfers, which are differentiated based on the timing of the sale of the fee title interest in the land to a qualified farmer or rancher relative to the timing of securing the agricultural land easement. The regulation specifies the requirements and ALE-agreement terms that apply to both types. NRCS will address in the terms of the ALE agreement how an eligible entity may request a modification to an ALE-agreement to change between these two types of BPS transactions. No change is

made to the regulation in response to this issue.

Comment: NRCS received comment requesting clarification in the preamble as to whether a qualified farmer or rancher includes those who do not file a Schedule F, such as a farmer in an S corporation.

Response: IRS Form 1040 or 1040–SR, Schedule F, “Profit or Loss from Farming,” is the preferred documentation and is consistent with other NRCS and USDA programs. However, NRCS will also consider circumstances in which other forms of IRS documentation identifying the landowners’ engagement in an agricultural operation may be appropriate.

ALE Contribution Requirements

Under both the 2014 and 2018 Farm Bills, NRCS may provide a Federal share that does not exceed 50 percent of the FMV of the agricultural land easement and requires the eligible entity to provide a share at least equivalent to that provided by NRCS, except in the case of grasslands of special environmental significance. For grasslands of special environmental significance, NRCS may provide a Federal share that does not exceed 75 percent of the easement FMV and the non-Federal share requirement is adjusted accordingly. The 2018 Farm Bill removed the 50-percent cash contribution requirement on the part of the eligible entity and identified permissible sources of the non-Federal share. NRCS received the following comments.

Comment: NRCS received comment in support of removing the requirement for the eligible entity to provide a minimum cash contribution toward the purchase of the agricultural land easement and allowing donations of land by the landowner and eligible entity expenses for procured items to satisfy the non-Federal share requirements. Other comments did not support eligible entities no longer being required to provide a minimum cash contribution.

Response: The regulatory changes follow requirements of the 2018 Farm Bill. No change is made to the regulation in response to this issue.

Comment: NRCS received comment suggesting changes to how NRCS structured the non-Federal share in the regulation. They asked that the “and” at the end of the list be replaced with an “or.”

Response: NRCS is clarifying that the sources comprising the non-Federal share are listed in order, and proceeding through the list, once the minimum non-Federal share amount is met,

additional sources and amounts do not need to be identified.

Additionally, given that an eligible entity’s contribution may be related to cash resources expended for the purchase of the land prior to the easement transaction, NRCS has clarified in the regulation that for BPS transactions, part of the non-Federal share provided by an eligible entity may include that portion of the fair market value of the agricultural land easement that is not provided as the Federal share.

Comment: NRCS received comment requesting clarification about the timing and the type of documentation that would be required for procured costs incurred by the eligible entity if relied upon to meet the non-Federal share requirement.

Response: The regulation states that documentation requirements for procured costs are included in the ALE agreement. NRCS recognizes that, at the time of agreement, costs for procured items are estimated amounts and have not yet been incurred. Such estimates are needed in order to calculate the amount of the Federal share that may be obligated. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting that baseline reports and mineral assessments be added to the list of procured costs that may be included in the non-Federal share.

Response: NRCS added baseline reports and mineral assessments to the list of items that may be included in the non-Federal share if these items are procured by the eligible entity from third parties.

Comment: NRCS received comment asking that a Federal share of up to 75 percent of easement costs be provided in communities that do not have eligible entities present.

Response: The statute limits NRCS’s authority to provide a Federal share of up to 75 percent of the easement value to grasslands of special environmental significance only. No other types of transactions are authorized to receive up to 75 percent of the easement value, including transactions that occur in communities that do not have an eligible entity present. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting a change to clarify that the non-Federal share provided by the eligible entity for ACEP–ALE grasslands of special environmental significance must comprise the difference between the Federal share and the remainder of the FMV. The comment requested removal of the provision that, in the

event the non-Federal share provided by the eligible entity is less than such amount, NRCS will provide a Federal share equivalent to the non-Federal share being provided.

Response: The interim rule mirrors the statute. Additionally, the language allows for the possibility that, in the event that the non-Federal share provided by the eligible entity does not comprise the difference between the Federal share and the remainder of the FMV of the easement, NRCS could still provide a lesser amount that is equivalent to the non-Federal share. Although this is unlikely, removing the language from the regulation would eliminate this possibility. No change is made to the regulation in response to this issue.

ALE Deed Requirements and Terms

NRCS received comment related to the topic of ALE deed requirements and deed terms as follows:

Comment: NRCS received comment related to the ALE deed template review, recommending that the deed template review be limited to ensuring that the minimum deed terms are incorporated and that other terms are not contrary to the purpose of ACEP.

Response: The NRCS review of ALE deed templates focuses on ensuring that minimum deed terms (MDT) are incorporated and ensuring other terms are not contrary to the purpose of the program. Review of other items may be necessary to ensure that the document will work effectively as a template for the acquisition of agricultural land easements on multiple parcels. No change is made to the regulation in response to this issue.

Comment: NRCS received comment about deed provisions related to agricultural use, including a request to strike the phrase “consistent with agricultural use” and replace it with the phrase “does not negatively affect agricultural use” as to commercial uses. Another comment recommended that NRCS limit its ability to impose greater deed restrictions in instances where the State definition of agricultural uses may result in the degradation of the soils, agricultural nature of the land, or related natural resources.

Response: This phrase ‘consistent with agricultural use’ is unchanged from the previous ACEP regulation and is expansive enough to apply to farmland and grassland enrollments and is sufficient to prevent commercial uses that may negatively affect agricultural uses. NRCS may impose deed restrictions needed to ensure ACEP–ALE purposes will be met in exchange for the Federal investment. No change is

made to the regulation in response to this issue.

Comment: NRCS received comment expressing general support for various elements of the deed requirements set forth in the interim rule, including commending NRCS for the revised mineral development language; language regarding an entity's use of their own deed terms and conditions; and supporting the U.S. right of enforcement and right of inspection language in the interim rule.

Response: NRCS thanks respondents for their input. No change is made to the regulation in response to these issues.

Comment: NRCS received comment related to amendment clauses that must be included in each agricultural land easement deed, recommending splitting the amendment provision in the regulation to avoid confusion between "amendments" and the various types of easement administration actions (subordination, modification, exchange, and termination actions).

Response: NRCS appreciates the request for clarification regarding the requirement that each agriculture land easement deed include clauses that address amendments or changes that may occur after recordation of the easement. To clarify, NRCS uses the term "amendment" in the regulatory deed requirement in § 1468.25(d)(4) broadly to include each type of easement administration action: Subordination, modification, exchange, and termination. In practice, NRCS provides two separate clauses in the minimum deed terms to address this regulatory deed requirement and fully encompass the various types of easement administration actions. NRCS revised the text in the final rule to clarify and remove ambiguity regarding the various types of changes to the easement deed or easement area that must be approved in advance by NRCS.

Comment: NRCS received comment regarding the interim rule's impervious surface limitations that must be specified in ACEP-ALE easement deeds, including comments recommending that NRCS authorize a blanket impervious surface waiver to ACEP-ALE easement deed language and cap the waiver authority at 5 percent of the easement area.

Response: The impervious surface limitation and the current cap are well-established. NRCS explained in prior rulemakings the basis for its use of a 2-percent limitation and the flexibility of having a waiver that allows up to 10 percent based upon site-specific factors. In particular, this limitation provides a reasoned balance between ensuring the future capacity of agricultural land use

with flexibility to allow for changes to the agricultural operation.

NRCS requires a parcel-by-parcel determination because impervious surface limitations are site-specific. NRCS will not approve a blanket waiver or grant eligible entities a right to create blanket waivers for a greater impervious surface limit.

However, there is an existing waiver option available that may have been underutilized. Specifically, when an eligible entity has a waiver process consistent with NRCS limitations and it is based on parcel-by-parcel determinations made by the entity, the entity may request authority from NRCS to use its own process. In this case, separate individual parcel waivers from NRCS would not be necessary.

No change is made to the regulation in response to this issue.

Comment: NRCS received comment regarding the subsurface mineral deed provisions. The comments requested:

- A requirement that native plants be used to remediate subsurface mining impacts;
- A requirement that involves State technical committees when determining impact of mineral development;
- That NRCS seek guidance on timing and responsibility for the development of the subsurface development plan; and
- That NRCS provide flexibility in the identification of de minimis gravel extraction sites.

Response: NRCS recognizes the preference for the use of native plants for remediating sites in general, but the determination of the appropriate vegetation for any particular easement must be based upon site-specific factors.

While the State technical committee can provide input on the impact of mineral development to particular land uses or locations in the State, such input would be inappropriate on an individual easement basis.

The eligible entity is responsible for providing the subsurface mineral development plan to NRCS, which must be approved by NRCS prior to initiation of the mineral development activity, as set forth in § 1468.25(d)(7)(v).

The de minimis gravel extraction matter is not a regulatory issue but the comment responds to text that exists in the current minimum deed terms.

NRCS would like to clarify that de minimis gravel extraction is through surface methods and therefore not encompassed by the subsurface mineral deed. Additionally, the current minimum deed terms authorize such de minimis gravel extraction for on-farm purposes. No change is made to the regulation in response to these issues.

Comment: NRCS received comment recommending that certified entities need not be required to seek NRCS approval for subdivision and other activities that currently require NRCS approval under regulatory deed requirements and allow only notice to NRCS of these actions as sufficient.

Response: The interim rule language did not change from prior rules. Certified entities have broad discretion already but still must meet regulatory deed requirements. NRCS, as a fiduciary, must approve those actions that can so fundamentally affect program purposes.

Comment: NRCS received comment with respect to the requirement of the United States right of enforcement in the agricultural land easement deed, including request that a reference to § 1468.28 be added to the right of enforcement definition, recommendation that the word "contingent" should be inserted before the term "United States right of enforcement", and a statement that the right of enforcement does not include the ability of the NRCS enforce the terms of an ALE plan if such a plan exists.

Response: NRCS removed the term "contingent" many years ago to remove confusion that such right is a currently vested right. The term "contingent" indicates that NRCS's exercise of its right of enforcement is conditioned on particular events. It does not mean that the right itself is contingent, such that it would only be vested upon some future event.

NRCS has not included any cross references to the various sections which relate to the United States right of enforcement in the definition itself since such cross-referencing is unnecessary.

Agricultural land easements acquired under the 2018 Farm Bill are not required to have or be subject to an ALE plan. NRCS enforces highly erodible land conservation plans on highly erodible cropland as required by the ACEP-ALE statute; however, NRCS does not otherwise identify in the regulation the enforcement of an ALE plan.

No change is made to the regulation in response to this issue.

Comment: NRCS received comment stating that the statutory requirement of providing notice and right to participate when exercising the right of inspection should be added to the rule and deed terms.

Response: The circumstances under which NRCS may enter upon and inspect an easement pursuant to the United States right of enforcement is

included in the full right of enforcement clause provided to all eligible entities and must be used in all ACEP-funded agricultural land easement deeds. The ACEP regulation clarifies that NRCS will provide the agricultural land easement holder and the landowner a reasonable opportunity to participate if NRCS exercises its right of inspection.

Comment: NRCS received comment recommending that deed terms should allow site potential tree height (SPTH) forested riparian buffers as a permissible provision in western Washington.

Response: The ACEP regulation includes a “catch-all” provision that allows States to have additional minimum deed terms. NRCS recommends that the commenters and any stakeholders with similar concerns should work with their applicable State Conservationist. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to how the ALE-agreement references the deed requirements.

Response: The ALE agreement must specify the deed requirements as set forth in the regulation so that they are enforceable.

ALE Entity Certification

NRCS received comment related to ALE entity certification as follows:

Comment: NRCS received comment on the term of agreements with certified eligible entities recommending that NRCS allow for a minimum 5-year term.

Response: NRCS is changing the regulatory language in response to this comment to specify that agreements with certified entities will be for a minimum of 5 fiscal years following the fiscal year the agreement is originally executed, but may not exceed 7 fiscal years following the fiscal year the agreement is originally executed. NRCS has found that an upper limit is necessary to limit the administrative burden associated with implementing agreements that cross different farm bills.

Comment: NRCS received comment urging NRCS to expand eligibility for certification for State agencies, recommending a broadening of language for which types of prior conservation easements would be counted, and requesting that NRCS drop the number of required prior conservation easement transactions from 10 to 5.

Response: The terms for certification of State agencies are set forth in statute, including the type of easements that can be counted and the number of prior transactions required, and NRCS does not have discretion to waive or amend those provisions. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting additional guidance on the entity certification process, including evaluation criteria, how NRCS will address partnerships between certified and non-certified eligible entities, what technical assistance NRCS may provide to certified entities (with regards to things like title review and appraisal), the benefits of certification, and the definition of a plan for administering easements. The comment detailed recommendations about the kind of transparency NRCS should have for its process and the timeline. Another comment requested a streamlined process for certifying eligible entities, including State agencies and land trusts.

Response: The internal certification review process is found at 440 Conservation Programs Manual (CPM) Part 528 and may be accessed at <https://directives.sc.egov.usda.gov/>. NRCS will continue its ongoing efforts to streamline processes through new business tools to be as efficient and effective in program delivery as possible while operating within legal authorities. NRCS will continue to make publicly available any new policy or guidance. No change is made to the regulation in response to this issue.

Comment: NRCS received comment expressing support for changes made in the interim rule to the entity certification process.

Response: NRCS appreciates this support.

ALE Land Eligibility Issues

NRCS received comment related to ALE land eligibility as follows:

Comment: NRCS received comment about forest land eligibility issues. Many supported maintaining the two-thirds limitation on non-industrial private forest land (NIPF) eligibility under ACEP-ALE and offered that programs like the Regional Conservation Partnership Program (RCP), Healthy Forests Reserve Program (HFRP), and Forest Legacy Program can all be used currently to protect forest lands. Another comment requested the two-third limitation on NIPF in ACEP-ALE be struck.

Response: To minimize duplication, overlap, and conflict with other USDA forest easement programs, the interim rule and this regulation maintain the existing eligibility provision that land enrolled in ACEP-ALE cannot include NIPF greater than two-thirds of the ACEP-ALE easement area unless waived by NRCS with respect to forest lands dedicated to sugar bush that contribute to the economic viability of the parcel.

NRCS specifically requested public comment in the interim rule on whether RCPP or HFRP could protect lands on which NIPF is the predominant use at levels beyond the scope of ACEP-ALE. Regarding the two-third limitation, NRCS cannot authorize parcels that are 100 percent NIPF because statutory eligibility criteria is phrased as NIPF contributing to the economic viability of an offered parcel or serving as a buffer to protect land from development. Thus, the eligibility of NIPF is in relationship to other eligible land. This has long been NRCS's interpretation of this eligibility criterion under ACEP-ALE and its predecessor Farm and Ranch Lands Protection Program. Congress specifically rejected language that would have expanded eligibility in the 2018 Farm Bill. NRCS concurs that the availability of other USDA easement programs that specifically protect forested lands warrants the continued focus of ACEP-ALE more broadly on other agricultural lands. No change is made to the regulation in response to this issue.

Comment: NRCS received comment about the definition of grasslands of special environmental significance (GSES) under ACEP-ALE, including support for the definition of GSES and the prioritization and management of native vegetation and habitats in relationship to GSES. A comment also encouraged the return of land to heritage marshes and vernal pools wherever possible on GSES enrollments. Another comment supported allowing only native vegetation to be categorized as GSES.

Response: NRCS believes that the current GSES definition supports the recommendation about prioritization of native vegetation and habitat. In particular, the GSES definition identifies sensitive or declining native prairie or grassland types or grasslands buffering wetlands. However, there are grasslands that, while not native vegetation, provide critical habitat for at-risk species that warrant the increased Federal investment to protect. Thus, NRCS will not limit GSES to native vegetation only. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to ALE land eligibility, including:

- A request that confined animal feeding operations (CAFOs) not be eligible for an ALE-funded easement;
- A comment addressing the ineligibility criteria related to on-site and off-site conditions;
- A comment commending NRCS for including criteria related to permitted

rights-of-way and requesting that NRCS clarify how off-site conditions are deemed suitable for the purpose of making ALE land eligibility determinations;

- A comment requesting that NRCS broaden the definition of access and the eligibility requirements so that air access can qualify; and

- A comment requesting additional clarification as to whether a farmer or rancher can participate in both ALE and Conservation Reserve Program (CRP).

Response: For any proposed easement containing a CAFO, the confined area is a heavy use area that must be evaluated by NRCS to determine if the on-site or off-site conditions render the site ineligible and make a determination as to whether the land meets the required land eligibility criteria. This is a case-specific determination and broad categorization of land eligibility simply based on type of operation is not appropriate. NRCS has set forth in national policy, which is publicly available, the procedures and forms NRCS uses to make land eligibility determinations for ACEP–ALE, including assessing the potential of onsite and offsite conditions to undermine the purposes of ACEP. Ultimately, land eligibility determinations are site-specific and rely upon programmatic and technical assessments based on criteria set forth broadly in national policy and more specifically at the State level. For more information, see: 440 CPM part 528 at <https://directives.sc.egov.usda.gov/>.

Legal access to agricultural land easements is critical to the ability of the eligible entity, and NRCS, under its right of enforcement, to monitor and enforce the terms of the easement and ensure that program purposes are achieved. Effective monitoring and enforcement ultimately require ground inspection and verification. Access to an easement that can only be achieved by aircraft would require both the eligible entity and NRCS to maintain, in perpetuity, aircraft that can provide personnel access to monitor and land on the easement property and would require the landowner to maintain, in perpetuity, a landing strip or helipad on the property. NRCS does not maintain its own aircraft for easement monitoring purposes and cannot evaluate the safety and suitability of aircraft owned by the eligible entity or the landowner's landing strip or helipad. All lands that do not have sufficient legal, physical access are ineligible to receive Federal funds under ACEP, including those that are only accessible by air.

The 2018 Farm Bill specifies that a farmer or rancher who owns eligible

land subject to an agricultural land easement may enter into a CRP contract. Determinations of land eligibility for enrollment in CRP are under the purview of FSA and we have therefore shared the comment with FSA. No change is made to the regulation in response to these issues.

ALE Planning

NRCS received comment related to ALE planning and ALE plans as follows:

Comment: NRCS received comment related to ALE planning generally and some of them urging NRCS to require a grassland management plan for grasslands of special environmental significance given the higher environmental value of these easements. Another comment recommended that NRCS continue to encourage planning on ALE easements, while a comment did not support how NRCS encouraged planning.

Response: The 2018 Farm Bill removed language requiring that ACEP–ALE easements enrolled under the 2018 Farm Bill be subject to an ALE plan, including grasslands of special environmental significance. However, in the Managers' Report, the Managers "encourage USDA and eligible entities to work with landowners entering into an ALE easement to undertake conservation planning activities on their land in order to maximize the environmental value of the protected land." Therefore, NRCS will continue to encourage planning on ACEP–ALE enrollment, including grasslands of special environmental significance. No change is made to the regulation in response to this issue.

Comment: NRCS received comment strongly supporting the recognition ALE plan as a measure that maintains or increases the agricultural viability of the land in the ranking criteria, and identified that the ranking criterion should strongly weight ALE plans for grasslands of special environmental significance and that a plan should be required for any application that is prioritized based on carbon sequestration or climate change resiliency goals. Another comment expressed that an ALE plan should not be recognized in the ranking criteria because it is no longer required by statute.

Response: As described in the preamble of the interim rule, NRCS identified that the development and maintenance by the eligible entity of an ACEP–ALE plan could be a ranking consideration at the State level to prioritize applications from eligible entities. NRCS believes that conservation planning is the base upon

which sound conservation stewardship originates. To eliminate support for planning would undermine the quality of stewardship that would be encouraged on lands in which the public provides a sizable financial investment. Additionally, as a ranking criterion this consideration does not prohibit eligible entities from being able to access program funding but instead acknowledges that eligible entities committed to long-term conservation planning are helping to ensure an agricultural land easement yields the greatest benefits for the landowner, conservation, and the public funds invested in that easement. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to the definition of the ALE plan, with some advocating for the removal of the ALE plan definition entirely because plans are no longer mandated by statute. Another comment supported the definition of ALE plans and commended NRCS for clearly defining that the plan is developed by the eligible entity and not as a component of the deed. Comment also expressed support for limiting conservation plans to only highly erodible croplands.

Response: NRCS supports conservation planning as the cornerstone of land stewardship efforts. NRCS retained the definition of the ALE plan in the ACEP regulation. No change is made to the regulation in response to this issue.

ALE Program Requirements

NRCS received comment related to ALE program requirements as follows:

Comment: NRCS received comment requesting clarification as to how NRCS will determine if a landowner entity is compliant with AGI.

Response: NRCS uses the AGI eligibility determinations made by the FSA. NRCS accesses such determinations through the agencies' shared database services. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to the requirement that eligible entities must provide evidence of their financial capacity for transactions in which the non-Federal share does not include at least a 10-percent cash contribution from the eligible entity for payment of easement compensation to the landowner. Other comment requested removal of the requirement that the entity provide specific evidence of funds available for stewardship of the easement and suggested that entity eligibility requirements that apply to all ACEP–ALE transactions regardless of

entity cash contribution amounts are sufficient. Other comment commended NRCS on including the requirement but requested clarification as to what would constitute specific evidence of funds available for stewardship.

Response: All entities must demonstrate capability and capacity as an eligibility requirement. Under the 2014 Farm Bill, NRCS could use an entity's ability to provide at least the required cash contribution amount for all ACEP-ALE transactions as an indication that the entity is able to meet capability and capacity requirements. Where an entity is unable to provide at least a minimum cash contribution, questions arise as to the entity's financial capacity to assume responsibility for the easement acquisition. NRCS has, therefore, specified in the regulation the conditions under which additional capability and capacity evidence will always be required. However, it is always the entity's responsibility to establish that it meets basic ACEP-ALE eligibility requirements and as identified in the rule, the entity must provide to NRCS sufficient information to establish that the applicable entity eligibility criteria have been met.

Comment: NRCS received comment recommending that the definition of a farm or ranch succession plan be expanded to include transfers of land and deeds to non-relatives and other long-term protections for agricultural productivity. Also, comment recommended specifying that successions plans may include options to purchase at agricultural value or preemptive purchase rights.

Response: The key part of a succession plan is that the landowner makes arrangements for the future management of the land as a farm or ranch once the landowner retires or dies. NRCS does not limit those types of arrangements. The definition of the succession plan in the regulation used intra-family succession agreements or business asset transfer strategies as examples. NRCS has added language to clarify that the examples included in the definition are not all-inclusive.

Comment: NRCS received comment related to the easement valuation methods available under ACEP-ALE, encouraging NRCS to provide guidance on information required for easement valuation methods used other than the Uniform Standards of Professional Appraisal Practice (USPAP) appraisals, including areawide market analysis or other industry-approved methods. Comment also expressed support for the current availability of ACEP-ALE

valuation options beyond USPAP appraisals.

Response: NRCS provides guidance in policy with respect to what is required if an eligible entity elects to use an alternative easement valuation methodology, including a "Specification and Scope of Work for Areawide Market Analysis for ACEP-ALE." These items are published and publicly available in NRCS directive Title 440, Conservation Programs Manual (440-CPM), Part 528, Section 528.53, and in 440-CPM, Part 527, Subpart E, which can be accessed on the NRCS Electronic Directives system at <https://directives.sc.egov.usda.gov/>. No change is made to the regulation in response to this issue.

Comment: NRCS received comment recommending that NRCS be required to consult with the State technical committee on ACEP-ALE prioritization for ranking, special eligibility, and all other State-decided criteria.

Response: Statutory authority states that State technical committees assist in implementation and technical aspects of conservation programs under Title XII of the Food Security Act, such as ACEP. Sections 1468.2 and 1468.22 of the ACEP interim rule incorporate this role, including that State technical committees provide input on the development of ranking criteria and other matters. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to the ACEP-ALE application process and the new option for ALE-program agreements, requesting that NRCS make the application form and new option for ALE-program agreements form more usable and that the process be streamlined. Other comments wished to have greater guidance about how producers could participate and supported the new ALE program agreement option and requested additional clarification regarding its availability.

Response: NRCS appreciates the complexity of easement transactions, including the extent of information that must be collected from applicants and participants on various program forms. NRCS has made several efforts to streamline the ACEP-ALE enrollment process. In FY 2020, NRCS released various new or updated forms used to administer ACEP-ALE. Additionally, NRCS piloted in fiscal year 2019 and is implementing more widely in fiscal year 2020 the use of ALE program agreements, making available several automated eligibility and payment processes previously only available to NRCS financial assistance programs. Also, the use of a program agreement

framework under ACEP-ALE allows NRCS and eligible entities to more easily address enrollment changes, such as parcel substitution or acreage modifications. Since NRCS does not receive landowner applications directly for ACEP-ALE enrollment, NRCS will provide outreach to States to help landowners interested in ACEP-ALE identify eligible entities in their geographic area. No change is made to the regulation in response to this issue.

Comment: NRCS received comment recommending that NRCS allow water supply entities to participate in ACEP-ALE as eligible entities.

Response: An eligible entity must meet the definition of an eligible entity established by statute and incorporated into the ACEP regulation. NRCS does not have authority to expand the basic eligible entity definition. No change is made to the regulation in response to this issue.

ALE Ranking

NRCS received comment related to ALE ranking as follows:

Comment: NRCS received comment related to removing the factor associated with national ranking criterion that takes into consideration whether the cash contribution is being provided by the eligible entity toward the payment of easement compensation to the landowner. Other comments:

- Recommended consideration of State and local tax incentives be added to this factor;
- Recommended NRCS prioritization of landowner donation in the ranking; and
- Agreed with including the eligible entity's cash contribution in the ranking.

Response: The Managers report introduced flexibilities to provide better access to ACEP in States where conservation easement funding is limited. The Managers stated that they did not intend for NRCS to reject cash matches entirely but broadened the options available to eligible entities. NRCS recognizes that any time the eligible entity's cash contribution is reduced, the landowner receives less compensation for the sale of an easement on their land, which may result in ACEP funds being the only funds paid to the landowner for the easement. Additionally, the increased donation by the landowner will frequently satisfy the minimum non-Federal share requirement under ACEP-ALE. By considering the cash contribution as a positive attribute in ranking, NRCS is encouraging enrollment while ensuring that ACEP is implemented equitably. Each State has

the ability to calibrate the relative importance of cash contributions in the prioritization of applications for enrollment in that State. No change is made to the regulation in response to these issues.

Comment: NRCS received comment related to ranking priority for actions related to the future, agricultural, and long-term viability of enrolled land. Comment supported adding information to the succession plan portion of the ranking, such as specifically identifying OPAV, Purchase of Development Rights (PDR), and other succession planning options that maintain agricultural viability or awarding points for innovative succession requirements. Comment also:

- Recommended expanding the ranking criteria to prioritize applications that increase opportunities for historically underserved farmers;
- Supported the maintenance of agricultural viability as a ranking criterion; including supporting its inclusion as both a national and State ranking factor;
- Suggested that such inclusion is duplicative;
- Recommended that agricultural viability be included in the national ranking criteria; and
- Recommended that succession planning be removed from the ranking criteria.

Response: Based on national and State ranking criteria in the ACEP regulation, NRCS at the State level develops ranking factors and associated weights. Broadly identifying State ranking criteria in the regulation provides the needed flexibility for States to develop the specific ranking criteria that best address State and local priorities. Regarding long-term maintenance of agricultural viability, the national ranking criteria ensures, consistent with the statute, that this criterion is considered in every ACEP–ALE application by assessing whether a succession plan exists.

The existence of State ranking criteria enables States to develop nuanced approaches to address long-term agricultural viability, which may include more specific identification or prioritization of certain types of succession plans or succession planning strategies. NRCS does not wish to limit agricultural landowners' choices or restrict who could be involved in succession planning. Such specificity is not necessary in the regulation itself.

NRCS includes in the regulatory definition of a farm or ranch succession plan strategies that create opportunities for historically underserved landowners. NRCS also includes a State

ranking criterion related to the multifunctional benefits of farm and ranch land protection, of which social and economic considerations may be included.

No change is made to the regulation in response to these issues.

Comment: NRCS received comment about eliminating the potential for prioritization of applications for which eligible entities agree to use the ACEP–ALE minimum deed terms.

Response: In the interim rule, NRCS indicated that it may prioritize transactions where an eligible entity uses NRCS's standard set of minimum deed terms. This potential prioritization also existed for enrollment during the 2014 Farm Bill and its inclusion as a factor in the State's ranking criteria is at the State's discretion. An eligible entity's use of the standard set of minimum deed terms streamlines the easement approval process and eliminates the need for NRCS review of the conservation easement deed for individual transactions. The efficiency by which easement transactions are completed, including the use of available administrative streamlining options, is an appropriate consideration in ranking, and no change was made in this final rule. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to the State ranking criteria for multifunctional benefits for the protection of a particular farm or ranch, recommending that NRCS at the State level have the option to specify 'other related conservation benefits' under this multifunctional benefits criterion. Comment also recommended adding 'species of economic significance' to the consideration for at-risk species protection under this ranking criterion. Another comment recommended the criteria be 'other related benefits,' striking 'conservation' from the consideration, and other comments recommended that NRCS add ranking criteria about related conservation values.

Response: NRCS agrees that evaluating the multifunctional benefits that may result from parcel protection is an important prioritization criterion. NRCS has enumerated in the regulation some potential benefits that may be considered and has included 'other related conservation benefits' to provide States with the flexibility to identify such conservation benefits and establish the associated ranking factors and priorities. NRCS believes the State ranking criterion is sufficiently expansive for NRCS to tailor ranking factors at the State and local level. No

change is made to the regulation in response to this issue.

Comment: NRCS received comment and appreciation related to various State ranking criteria, including requesting that NRCS provide specific references to geographic differences for States to use in ranking. Other comment stated that prioritizing land in areas zoned for agricultural use may inadvertently exclude agricultural lands. Comment also recommended that protection of native prairie and other native habitats, including protection or improvement of habitat for pollinators, be added to the State ranking criteria related to the diversity of natural resources to be protected or improved, and requested that riparian buffers be ranked as the highest ACEP–ALE priority.

Response: NRCS believes that the regulation provides a sufficient framework under which the various items brought forth in these comments can all be addressed at the State level with input from the State technical committee. No change is made to the regulation in response to these issues.

Comment: NRCS received comment related to various national ranking criteria. One comment indicated that it is contradictory to limit forest land enrollment to two-thirds of an easement area while also having the extent of forestland as part of a ranking criterion. Another comment encouraged NRCS to clarify in the regulation that it will use the 'median' county average farm size and requested higher priority be given to parcels adjacent to existing easements or protected areas.

Response: Comment related to forest lands refers to the national ranking criteria for the percent of cropland, rangeland, grassland, historic grassland, pastureland, or nonindustrial private forest land permitted in a protected parcel. Each State is able to tailor the specific ranking factor to prioritize enrollment of land that contains the amounts and types of land and agricultural uses that are most at risk in their State. For example, a western State may establish the ranking factor to prioritize parcels with a larger percentage of historic grassland since those lands may be at the greatest risk of conversion. In contrast, a midwestern State may prioritize the percentage of cropland in a parcel since those lands may be at the greatest risk of conversion.

Comment regarding median county average farm size refers to the national ranking criteria that considers the ratio of the size of the parcel compared to the average farm size in the county. As identified in the regulation, the USDA Census of Agriculture is the data source for this national ranking criterion; the

term ‘average size of farm’ is contained in the Census. Based on ALE application and enrollment data, use of this nationally available data item continues to be appropriate. NRCS affirms that proximity to other protected lands continues to be one of the national ranking criteria set forth in the regulation.

No change is made to the regulation in response to these issues.

Comment: NRCS received comment recommending that NRCS allow ACEP–ALE eligible entities to participate in State technical committee recommendations for ACEP–ALE ranking determinations.

Response: Eligible entities may participate in the State technical committee; however, they may not participate in developing ranking factors for programs in which they participate. If potential participants had input into ranking factors, NRCS selection decisions would be suspect. NRCS will provide training to State offices describing the roles of eligible entities. No change is made to the regulation in response to this issue.

Comment: NRCS received comment supporting various aspects of the ACEP–ALE ranking provisions, including: Commending NRCS for not using cost as a ranking criterion; commending NRCS’s consideration of proximity to other protected land as a ranking criteria; and commending the straightforward implementation of ranking that allows States to prioritize parcels through ranking criteria.

Response: NRCS appreciates the comments.

Comment: NRCS received comment recommending landowners who have protected their land through ACEP–ALE receive priority for funding under NRCS’ financial assistance programs, such as the Environmental Quality Incentives Program (EQIP).

Response: NRCS receives input on program priorities, including priorities for enrollment in its financial assistance programs, from the State technical committees. There is no need to identify priorities for other programs’ enrollment in the ACEP regulation. No change is made to the regulation in response to this issue.

Definitions

NRCS received comment related to the definitions in the ACEP interim rule as follows:

Comment: NRCS received comment related to the terms “future,” “agricultural,” and “long-term” with respect to the term “viability.” Comment recommended that greater consistency be applied throughout the

final rule for the three terms with respect to the term “viability;” the definition of “agricultural viability,” as referenced in the Managers’ Report language, be clarified; and various items be added to, or deleted from, the definition of “future viability.”

Response: Since the creation of ACEP in the 2014 Farm Bill, the statute uses the phrase “agricultural use and future viability” in the program purposes statement. In response to comments on the February 2015 ACEP interim rule, NRCS included a definition of “future viability” to identify that ACEP–ALE purposes include the legal, physical, and financial conditions under which the land itself will remain capable and available for continued sustained productive agricultural or grassland uses. The 2018 Farm Bill maintained the reference to “agricultural uses and future viability” in the context of the program purposes and introduced the term “agricultural viability” in the context of potential application prioritization. NRCS believes that the existing definition of “future viability,” which is sufficiently expansive without being overly prescriptive, includes such concepts as accessibility to beginning farmers or ranchers and continued affordability. To address the request for clarity, NRCS has included a reference to the adoption of a farm or ranch succession plan as another example of a condition that supports the future viability of the protected land.

Comment: NRCS received comment related to the definition of historically underserved landowner, recommending that socially disadvantaged farmers be specifically identified, be included in the definition of historically underserved landowners, and be added to the definition of “socially disadvantaged farmer or rancher.” This comment refers to the provision in the interim rule associated with farm or ranch succession planning that identifies new or beginning farmers or ranchers, veteran farmers or ranchers, or “other historically underserved landowners.”

Response: The definition of historically underserved landowner includes beginning, limited resource, socially disadvantaged, and veteran farmer or ranchers. As a result, the definition of farm or ranch succession plan has been modified in this final rule to refer simply to “historically underserved landowner” since this term is all-encompassing. The definition of socially disadvantaged farmer or rancher has been in the definitions section since the ACEP regulation was first promulgated in 2015.

Comment: NRCS received comment that suggested replacing the concept of watersheds with “watershares.”

Response: NRCS has long been involved in watershed and watershed planning, and the term “watershares” is not a universal term. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting that the definition of “riparian areas” be modified to eliminate the “movement for wildlife” as an element.

Response: The definition of riparian areas has long included reference to the movement of wildlife as it is one of the critical functions of riparian areas. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting removal of reference to species that are “likely to undergo” population decline from the definition of “at-risk species.” The commenter objected to an unnamed agency imposing restrictions through an unknown process.

Response: The interim rule identified the determination of “likely to undergo population decline” is made by the NRCS State Conservationist, with advice from the State technical committee or Tribal Conservation Advisory Council. The definition is shared across NRCS conservation programs, all of which are voluntary. No change is made to the regulation in response to this issue.

Comment: NRCS received comment requesting a change to the definition of “agricultural commodity” so that the intent to harvest annually rather than tillage is used as the determining mechanism.

Response: The definition of agricultural commodity is contained in statute. No change is made to the regulation in response to this issue.

Easement Administration Actions

NRCS received comment related to easement administration actions as follows:

Comment: NRCS received comment related to the identification of the sequencing procedures under the National Environmental Policy Act (NEPA) with respect to easement administration actions, recommending that easement administration actions related to sequencing considerations be classified as categorical exclusions for NEPA analysis. Other comment suggested that the provision be amended to eliminate NEPA sequencing review if the easement administrative actions either enhance purposes of the ACEP–ALE program or do not materially threaten the ALE’s protection

of agricultural viability or other conservation values, and requested removal of reference to NEPA entirely. Comment also requested clarification about how NEPA sequencing considerations may affect NRCS approval of easement administration actions.

Response: The decision to modify or terminate a Federal interest has long been subject to NEPA review, and NRCS must comply with NEPA statutory, regulatory, and policy requirements during its review of a requested easement administration action. These requirements include reviewing whether adverse impacts associated with an easement administration action can be avoided, minimized, or mitigated. Since the impacts and outcomes of an easement administration action cannot be categorized generally, a specific review is necessary. As NRCS evaluates the NEPA analyses developed for the individual easement administrative actions, it is gathering evidence that may be used to propose categorical exclusions for certain easement administrative actions in the future. NRCS may identify new categorical exclusions, through issuing new NEPA procedures (including by amending NRC's current regulations implementing NEPA at 7 CFR part 650), consistent with the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA, published at 40 CFR parts 1500 through 1508. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to adding references or additional requirements to the easement administration action criteria, including a reference to the easement administration criteria indicating that any easement modification or termination conform to State law requirements, and including a reference that easement administration actions must conform to section 170(h) of IRC and associated U.S. Department of the Treasury (Treasury) regulations. Comment also requested that easement administration actions align more closely with Land Trust Alliance (LTA) industry standards.

Response: Easement administration actions are documented in land records in accordance with State law. NRCS's authority to approve easement administration actions is not subject to requirements in section 170(h) of the Treasury or associated regulations related to charitable donations. However, entities are not prevented from incorporating language that addresses their own compliance with

section 170(h) in their part of the conservation easement deed terms. NRCS must implement easement administration actions in accordance with Federal law and responsibilities; private land trusts are not subject to these requirements when conducting actions without Federal involvement. It would not be appropriate for NRCS to adopt "industry standards" that do not account for these Federal standards. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to the various easement administration action requirements, including:

- Recommending that NRCS remove the 10-percent limitation on easement administration actions so that an easement modification or exchange action would just need to meet one of the two thresholds: (1) The action provide equal or greater conservation functions and values and (2) equal or greater economic values;
- Recommending removal of the standard of no net loss of easement acres required for easement subordination, modification, or exchange actions; and
- Recommending a change to the definition of easement termination to acknowledge compensation that may be owed to other interest holders in a conservation easement.

Response: NRCS uses the 10-percent limitation requirement to minimize the effects of administration actions. NRCS selected the 10-percent level based upon review of the scope of prior requests for easement administration actions and for consistency with other NRCS conservation programs.

It is a statutory requirement that an easement modification or exchange action must meet both thresholds (equal or greater conservation value and equal or greater economic value).

As to the threshold for an easement subordination, modification, or exchange to result in no net loss of easement acres, NRCS believes, based on long-standing experience, that the existing standard ensures that the public investment in conservation easements endures for the life of the easement and that NRCS is able to make credible determinations of equal or greater conservation and economic value as required by statute. The definition of easement termination addresses only the United States' rights or interests in an easement, including that the United States must be fully compensated for the termination of such rights and interests that are held by the United States. The easement termination language does not

address or affect compensation that may be owed to other interest holders.

No change is made to the regulation in response to these issues.

Comment: NRCS received comment that requested NRCS modify language regarding easement termination to clarify that it also applies to the partial termination of an easement.

Response: NRCS has clarified that partial termination of an easement is subject to the easement termination requirements to the same extent as the full termination of an easement. All easement termination actions are subject to review at both the NRCS State office and National Headquarters levels.

Comment: NRCS received comment that supported allowing the use of updated deed provisions when making easement amendments, cautioned that flexibility be granted to do simple amendments, and advised NRCS not to require updates to new language that may be contained in updated deed provisions of those provisions are unnecessary or unacceptable to the landowner.

Response: NRCS appreciates the support received for deed amendment process requirements. Deed amendments to ACEP-ALE easement deeds must be approved by NRCS, as discussed above. No change is made to the regulation in response to this issue.

Environmental Markets

Comment: NRCS received comment expressing support for updates to the section on environmental markets.

Response: NRCS appreciates the comments.

Fund Allocations

NRCS received comment related to ACEP fund allocations as follows:

Comment: NRCS received comment supporting the historic division of fund allocations across ACEP, that is based on demand for funding. Approximately 70 percent of ACEP funding is dedicated to wetland conservation through ACEP-WRE and 30 percent is for agricultural land preservation through ACEP-ALE. Another comment urged greater flexibility with respect to fund allocations.

Response: NRCS has not specified in the regulation an allocation of program funds between the two components of the program. NRCS maintains program flexibility year-to-year to respond to program demand. No change is made to the regulation in response to this issue.

Comment: NRCS received comment recommending continued use of ACEP-WRE authorities to enter into agreements and contracts with non-governmental organizations, State

agencies, and other partners to continue to leverage resources and expertise.

Response: NRCS relies on its partners to assist NRCS in its delivery of ACEP-WRE and will continue to utilize its authorities to coordinate with these valuable partners. No change is made to the regulation in response to this issue.

Comment: NRCS received comment supporting the continued allocation of a portion of ACEP funds for monitoring and management of existing easements and recommending that State Conservationists have discretion to determine the appropriate portion of the individual State allocation to be used for monitoring and management of existing easements.

Response: NRCS National Headquarters provides on-going coordination, guidance, and support to State Conservationists to ensure that sufficient funds are dedicated and used to appropriately monitor, manage, and enforce stewardship lands. No change is made to the regulation in response to this issue.

Landowner Eligibility—Adjusted Gross Income (AGI) Limitation Waiver

NRCS received comment related to the AGI limitation waiver as it affects landowner eligibility to enroll in ACEP as follows:

Comment: NRCS received comment related to the definition and criteria for environmentally sensitive lands of special significance, including encouraging NRCS in its AGI waiver determinations to give the most consideration to lands with the highest conservation value, particularly lands of special significance that can demonstrate significant linkages with the conservation objectives of migratory bird, wetlands conservation, and water quality programs, plans, or initiatives. Comment also requested that environmentally sensitive land of special significance be explicitly defined.

Response: NRCS will consider the factors noted in the comment in granting AGI waivers. Terms associated with the AGI waiver are set forth in the regulations governing payment limitation and payment eligibility requirements, including AGI provisions, at 7 CFR part 1400. No change is made to the regulation in response to this issue.

Comment: NRCS received comment suggesting that NRCS expand eligibility for AGI waivers, including allowing the waiver for all ACEP-ALE enrollment, automatically waiving AGI for BPS transactions, and interpreting AGI waiver factors broadly.

Response: NRCS may only grant waivers on a case-by-case basis where the waiver criteria are met. Broadening the waiver authority to eliminating AGI applicability to all ALE enrollment types is outside statutory authority. No change is made to the regulation in response to this issue.

Comment: NRCS received comment seeking increased streamlining and guidance regarding AGI waivers.

Response: NRCS will continue its ongoing efforts to streamline processes through the use of new tools. NRCS will continue to develop and release specific guidance as needed. No change is made to the regulation in response to this issue.

Comment: NRCS received comments expressing support for the use of AGI waiver authority in ACEP.

Response: NRCS appreciates support for its AGI waiver process.

Program Administration

NRCS received comment on the topic of program administration as follows:

Comment: NRCS received one detailed comment emphasizing the importance of protecting endangered and at-risk species through ACEP. This comment specifically referred to salmonid species.

Response: NRCS appreciates the importance of protecting threatened and endangered species and its responsibility to comply with the Endangered Species Act (ESA), including ESA section 7(a)(1). As part of its conservation planning framework and site-specific NEPA process, NRCS also considers impacts to at-risk species as required by its NEPA implementing regulations (7 CFR part 650). No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to outreach activities, including recommending that: NRCS retain its outreach focus on historically underserved farmers and ranchers; funds expended for historically underserved purposes be identified and made public; and NRCS ensure that the process is streamlined to ensure access to disadvantaged and underserved populations. Comment also reminded NRCS regarding sovereign-to-sovereign consultation for Farm Bill easement programs having Tribal implications.

Response: NRCS will continue to evaluate options to enhance opportunities for historically underserved producers and focus resources on ensuring parity in program enrollment. NRCS conducted several Tribal meetings in FY 2019 and FY 2020 and State Conservationists obtained input on program implementation from

the Tribal Conservation Advisory Committees. No change is made to the regulation in response to this issue.

Comment: NRCS received comment expressing specific support for various aspects of program administration, including supporting NRCS discretion to waive certain program administration provisions and commending NRCS for continuing to obtain input from State technical committees, other Federal and State agencies, conservation districts, and other organizations.

Response: NRCS appreciates the support it has received for ACEP administration.

Comment: NRCS received comment urging continued or increased consultation with partners and stakeholders, including State technical committees, non-governmental organizations, and the U.S. Fish and Wildlife Service.

Response: NRCS will continue to seek stakeholder input on how to improve program administration, especially input that NRCS receive on State and local resource issues. No change is made to the regulation in response to this issue.

Comment: NRCS received comment asking that technical assistance provided by NRCS regarding compliance with easement terms be clarified and recommending creation of ACEP-specific forms. Comment also recommended guidance on conflicts of interest and information on the implementation of Voluntary Public Access and Habitat Incentives Program (VPA-HIP).

Response: NRCS will continue its ongoing efforts to streamline processes, including modifying its required forms, through the use of new tools. Additionally, NRCS will continue to develop and release guidance on specific topics as needed. NRCS regulation and policy regarding VPA-HIP is provided separately and can be found in 7 CFR part 1455, and associated agency policy is available on the NRCS website. No change is made to the regulation in response to this issue.

Comment: NRCS received comment recommending that NRCS include text regarding ACEP ranking that prioritizes lands enrolled in the Transition Incentives Program under the Conservation Reserve Program (CRP-TIP). Section 1235(f)(1)(E) of the CRP statute requires that priority enrollment be given to land subject to a CRP-TIP contract into EQIP, Conservation Stewardship Program (CSP), and ACEP.

Response: Section 1468.22(b)(11) of the ACEP interim rule identifies as a national priority for ALE enrollment

grasslands currently enrolled in CRP in a contract that is set to expire within 1 year. Section 1468.32(c) of the ACEP interim rule identifies as a potential State priority for WRE enrollment whether land is farmed wetland and adjacent land that is currently enrolled in CRP in a contract that is set to expire within 1 year. However, neither ALE nor WRE identify a specific priority ranking for CRP-TIP land. Therefore, NRCS is adding a specific priority in the ACEP regulation for CRP-TIP.

Comment: NRCS received comment related to the practices and activities administered through ACEP, including:

- Encouraging NRCS to adopt the “Active River Area Concept” to its management scheme;
- Proposing that all easements go through a plant and plant community survey by a botanist prior to enrollment;
- Seeking confirmation that NRCS would not enter into agreements with entities who would preclude forested riparian buffers;
- Recommending that NRCS recognize specifically intensive rotational grazing as one of the best management tools; and
- Recommending that diverse native plant mixes be prioritized in ACEP wetland and grassland restoration and management plans.

Response: NRCS addresses how best to administer its practices and activities through technical and program policy implemented at the State level through the discretion given NRCS State Conservationists. In general, NRCS supports the development and implementation of plans and restoration activities that consider the value of management and restoration activities that provide for a diverse assemblage of native plants, including pollinator-friendly species. However, NRCS believes that specific resource management issues are best addressed at the State level. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to program administration that did not fit neatly into any single subtopic:

- Require landowners to assume responsibility for operation and maintenance of easements;
- Provide sufficient staffing to meet customer service needs;
- Concern over the authorization of permanent easements;
- Make publicly available information related to easement enrollments such as acres enrolled, soil classification of land, and before and after land use;
- Condition ACEP so that all funded efforts achieve consistency with State

water quality standards and salmon recovery plan habitat objectives; and

- Review easement deed terms at least every 100 years to ensure consistency with existing conditions.

Response: The operation and maintenance that may occur on ACEP easements and who may perform such activities is addressed in the terms of the easement deeds.

NRCS staffing is not a part of this rulemaking, but the agency will continue providing the highest quality customer service and program implementation with its resources.

Permanent easements are authorized and prioritized by statute.

As NRCS collects data, the agency generates multiple reports on a variety of impacts, which are typically made available to the public upon request.

NRCS will consider the recommendation regarding consistency with water quality standards and recovery plan habitat objectives as it continues to evaluate and refine ranking and eligibility criteria.

Review of easement deed terms at least every 100 years is beyond the scope of current regulation and policy.

No change is made to the regulation in response to these issues.

Comment: NRCS received comment related to source water protection issues including:

- Recommending that NRCS acknowledge source water protection as a goal of ACEP;
- Adding discussion about how source water protection priorities will be included in the implementation of ACEP and other NRCS conservation programs;
- Addressing how ACEP will be included in accounting for overall source water expenditures by publishing a plan for comment;
- Adding source water protection in the ACEP ranking criteria;
- Ensuring adequate attention given to source water protection at State technical committees; and
- Recommending that NRCS address how spatial data related to source water areas will intersect with ACEP.

Response: Source water protection is a statutory priority and NRCS Headquarters provides guidance to ensure that all its programs are contributing to the protection of source water protection areas. The ACEP regulation includes water quality as a consideration in the list of ranking criteria for both ALE and WRE and the State Conservationist, in consultation with the State technical committee, may develop and include specific considerations for source water protection as part of their State’s

ranking factors. NRCS uses geographic information system tools to help identify source water protection areas and easement enrollment. No change is made to the regulation in response to this issue.

WRE Issues

NRCS received comment related to ACEP-WRE topics as follows:

Comment: NRCS received comment supporting revisions to the definition of wetland restoration in the interim rule regarding ACEP-WRE. Comment highlighted that the expanded flexibility would benefit wetland functions and habitat values. Comment also encouraged NRCS to engage robustly with State technical committees when devising the State-specific NRCS criteria and guidelines for wetland restoration.

Response: NRCS appreciates support for the revised definition of wetland restoration.

Comment: NRCS received comment related to compatible use authorizations under ACEP-WRE, expressing support for the inclusion of water management and supporting the use of such management activities to maintain, enhance, and diversify wetland habitats on ACEP-WRE easements. Comment also recommended removing “hunting and fishing” from the list of activities that can be authorized as a compatible use in § 1468.37(a)(2)(ii) because undeveloped recreational uses, including hunting and fishing, are listed as one of the five rights reserved by the landowner in the ACEP-WRE warranty easement deed. Comment also identified that NRCS should seek input from the State technical committee on technical matters related to compatible use designations and guidelines.

Response: NRCS appreciates support for the inclusion of water management and recognizes the potential utility of this activity to wetland functions and values when properly prescribed and implemented on ACEP-WRE easements through the compatible use authorization process. Hunting and fishing are specifically identified in the ACEP statute as a ‘compatible use’ that is subject to NRCS determination of compatibility. NRCS has implemented this provision by identifying in all ACEP-WRE easement deeds that undeveloped hunting and fishing, subject to the terms of the easements, is a reserved right. However, any hunting and fishing activities that extend beyond that reserved right are prohibited unless determined compatible by NRCS through the compatible use authorization process. In the ACEP interim rule, NRCS included compatible use criteria and related

matters in the expanded list of examples provided in § 1468.2(b) regarding subjects on which the State technical committee may provide advice to the State Conservationist.

Comment: NRCS received comment regarding wetland restoration and management activities, encouraging that the technical requirements for grazing management plans and exhibits for ACEP–WRE grazing reserved rights enrollments be developed in consultation with State technical committees and that the individual grazing management plans be dynamic to accommodate wildlife and habitat conservation along with producer needs. Comment also recommended that NRCS prioritize activities supporting migratory waterfowl and other wetland-dependent wildlife through science-based management and recommended levee setbacks and forested riparian buffers be allowed on all easements in Washington State.

Response: NRCS appreciates comment related to grazing management plans and ACEP–WRE reservation of grazing rights enrollments. The ACEP interim rule provided clarifying changes consistent with these recommendations, including addition of a grazing management plan definition that is specific to ACEP–WRE and provisions related to the review and modification of such plans for reserved grazing rights enrollments. NRCS conducts and supports monitoring and research on its wetland easements to obtain data and information that informs technical decisions related to prioritization and selection of new easements and restoration and management of existing easements. NRCS will continue to collaborate with partners and institutions to obtain the information needed to make science-based decisions to maximize wildlife benefits and wetland functions and values on every ACEP–WRE easement. The concern related to restoration activities in the State of Washington do not rise to a nationwide level and are not addressed in the regulation. The ACEP regulation and other NRCS planning procedures provide the States the needed flexibilities to make technical decisions related to enrollment, restoration, and management of ACEP–WRE lands. NRCS recommends that stakeholders with concerns should work with their applicable State Conservationist.

Comment: NRCS received comment related to WRE land eligibility: Recommending that NRCS allow cropping on the WRE easement area; supporting the increase in the percentage of easements that can be enrolled on cropland in a county from

10 percent to 15 percent; and requesting flexibility with respect to the 2-year ownership requirement for land that the farmer has managed for numerous years prior to purchase.

Response: NRCS prohibits cropping on ACEP–WRE enrolled lands because the purpose of the program is to restore the wetland functions and values and crop production is inconsistent with such purposes. NRCS appreciates the comments related to the county cropland limitation. The 2-year ownership provision in the ACEP regulation is a specific statutory requirement, but flexibility exists through the waiver process. When deciding whether to waive the 2-year ownership requirement, NRCS considers whether the land has been managed by the landowner as part of their operation prior to acquiring ownership of the land. No change is made to the regulation in response to these issues.

Comment: NRCS received comment relating to factors used to prioritize enrollments in ACEP–WRE, including support for prioritizing permanent easements over non-permanent easements and including water quality as a conservation benefit.

Response: NRCS appreciates support for the ACEP–WRE prioritization factors.

Comment: NRCS received comment recommending NRCS consider funds from other Federal sources as contributions for ranking purposes.

Response: Section 1265C(b)(3) of the ACEP statute authorizes as a ranking factor whether the landowner or other person offers to contribute to the cost of the easement and thereby leverage Federal funds. The statutory priority is that Federal funds, not just ACEP–WRE funds, be leveraged by other sources, and NRCS has incorporated this factor into the regulation. NRCS State Conservationists, with input from State technical committees, may consider other priorities that further program goals, including other sources of contribution. However, other Federal sources of contribution may have restrictions on the use of their funds and NRCS must ensure that there is no augmentation in contravention of appropriations law. No change is made to the regulation in response to this issue.

Comment: NRCS received comment supporting and encouraging NRCS to continue to seek advice and input on implementation of ACEP–WRE from the U.S. Fish and Wildlife Service, State fish and wildlife agencies, and State technical committees.

Response: Both ACEP regulation and policy require the NRCS to seek continued engagement from these partners. No change is made to the regulation in response to this issue.

Comment: NRCS received comment related to the Wetland Restoration Enhancement Partnership (WREP), recommending that NRCS restore the 5 percent match requirement for the WREP partner contributions and maintain historic levels of partner contributions at 25 percent. Another comment recommended that NRCS provide an annual allocation for WREP of between \$35–50 million per year.

Response: NRCS appreciates the support for WREP. NRCS has not established any regulatory level of match that is required for WREP and bases such determination upon the focus of each year's WREP effort. No change is made to the regulation in response to this issue.

Notice and Comment, Paperwork Reduction Act, and Effective Date

In general, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires that a notice of proposed rulemaking be published in the **Federal Register** and interested persons be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation, except when the rule involves a matter relating to public property, loans, grants, benefits, or contracts. This rule involves matters relating to benefits and therefore is exempt from the APA requirements. Further, the regulations to implement the programs of chapter 58 of title 16 of the U.S. Code, as specified in 16 U.S.C. 3846, and the administration of those programs, are:

- To be made as an interim rule effective on publication, with an opportunity for notice and comment;
- Exempt from the Paperwork Reduction Act (44 U.S.C. ch. 35); and
- To use the authority under 5 U.S.C. 808 related to congressional review.

Consistent with the use of the authority under 5 U.S.C. 808 related to Congressional review for the immediate effect date of the interim rule, this rule is also effective on the date of publication in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review," 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, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) designated this rule as significant under Executive Order 12866 and therefore, OMB has reviewed this rule. The costs and benefits of this rule are summarized below. The full regulatory impact analysis is available on <https://www.regulations.gov/>.

Clarity of the Regulation

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to the substantive comments NRCS received on the interim rule, NRCS invited public comments on how to make the rule easier to understand. NRCS has incorporated these recommendations for improvement where appropriate. NRCS responses to public comment are described in more detail above.

Cost-Benefit Analysis

One of the most significant ACEP changes in the 2018 Farm Bill is to the existing contribution requirements for the non-Federal share under ACEP-ALE. Previously, there were only two sources of non-Federal contribution—the entity's cash resources towards the purchase and the donation by the entity—with cash resources towards the purchase required for half of the non-Federal contribution. The 2018 Farm Bill eliminated the requirement for cash resources towards the purchase and allows the entity to consider other costs, previously not included, toward the non-Federal match. This change adds flexibility for eligible entities to meet the non-Federal share requirement by no longer specifying a minimum cash contribution amount to be provided by the eligible entity and allowing the total of the non-Federal share to be comprised of a charitable donation or qualified conservation contribution from the private landowner. It also includes provisions for costs related to securing the easement to be included in the calculation of the non-Federal share. While removing a potential hurdle to entity participation, the additional flexibility is not intended to supersede the conservation benefits possible under ACEP.

There are six states and one territory (Alabama, Arkansas, Hawaii, Louisiana,

Missouri, North Dakota, and Puerto Rico) that currently have no enrollment in ACEP-ALE. This may have been due to a lack of available financial resources for an eligible entity to meet the minimum cash contribution requirement or may be due to a lack of entities that meet the eligibility requirements to participate in ACEP-ALE. The changes to the non-Federal share requirements may result in increased ACEP-ALE enrollments in areas where enrollment has been limited due to a lack of financial resources available for entities that meet the ACEP-ALE eligibility requirements. To address these statutory changes, in this final, we eliminated a specified minimum cash contribution amount and incorporated provisions for considering costs related to securing the easement. These changes are applicable to all eligible entities in all States and as a result, it is anticipated that the amount of the Federal contribution toward ACEP-ALE easements will increase by 8 to 10 percentage points.

Another change under the 2018 Farm Bill provides NRCS with authority to enter into legal arrangements with eligible entities to conduct BPS transactions under ACEP-ALE. Under a BPS transaction, NRCS may provide ACEP-ALE cost-share assistance to an eligible entity for the purchase of an agricultural land easement on private or Tribal agricultural land owned on a transitional basis by an eligible entity when the ownership of that land will be timely transferred to a qualified farmer or rancher. BPS transactions are intended to help farmers and ranchers acquire agricultural land they could not otherwise afford and to protect agricultural land that may have otherwise been developed or removed from agricultural production.

NRCS continues to have the discretion to rank and prioritize projects and to select individual applications based on their ability to achieve program purposes and to assess and determine the appropriate allocation of funds for the acquisition of agricultural land and wetland easements. The 2018 Farm Bill does not limit NRCS's discretion to determine the allocation of funds between ACEP-WRE and ACEP-ALE. The relative emphasis NRCS places on these two program components depends on State and national priorities, environmental impacts, and local demand. It is anticipated that enrollment in ACEP will be consistent with historic enrollment trends.

Land enrolled in ACEP-WRE easements produces onsite and offsite environmental benefits. Those include:

Restoring and protecting high value wetlands; controlling sheet and rill erosion as lands are restored from cropland to wetlands and associated habitats; restoring, enhancing, and protecting habitat for fish and wildlife, including threatened and endangered species and migratory birds; improving water quality by filtering sediment and chemicals; reducing flooding and flood-related damage; recharging groundwater; protecting biological diversity; controlling invasive species with planting of native vegetation; and providing opportunities for educational, scientific, and recreational activities. Soil health and air quality are improved by reduced wind erosion, reduced soil disturbance, increased organic matter accumulation, and an increase in carbon sequestration.

For land enrolled in ACEP-ALE, the suite of conservation effects on protected grasslands are different than those on protected farmland; the impacts are not valued here as one being more beneficial than another. For example, ACEP-ALE easements on grasslands limit agricultural activities to predominantly haying and grazing, whereas easements on farmland allow crop cultivation and pasture-based agriculture. As such, farmland protection effects are derived from onsite and ecological services, as well as preserving highly productive agricultural areas from development or fragmentation. Impacts on grasslands are derived from onsite and ecological impacts as well as preventing conversion to nongrassland uses. The net conservation effects through time from farmland protection include direct access benefits (pick-your-own, agri-tourism, and nature based activities like hunting), indirect access benefits (open spaces and scenic views), and nonuse benefits (wildlife habitat and existence values). Grassland protection conservation effects include direct, indirect, and nonuse benefits, and also on-farm production gains and carbon sequestration.

The authorized level of funding for ACEP for the period of FY 2019 through 2023 is \$2.25 billion (assuming future funding is set at authorized amounts). This represents an increase in ACEP average annual funding over the 2014 Farm Bill of 11 percent—from \$405 million per year to \$450 million per year in nominal dollars.

The regulatory impacts of ACEP funding consist of payments for the purchase of easements or real property interests; the costs incurred related to the acquisition, such as title companies, appraisers, licensed land surveyors; and the costs of restoring wetlands.

Although these transfers create incentives that likely cause changes in the way society uses its resources, NRCS lacks data with which to identify where these resources would otherwise be used.

NRCS also recognizes that applicants and participants incur costs in terms of time used to gain access to ACEP. We estimate the imputed value of applicant and participant time spent in accessing the program from FY 2019 through 2023 at \$1.1 million for the 5 years.

Our estimates of costs, benefits and transfers of ACEP on an annual basis are reported in Table 1. Given a 3 percent discount rate, the projected annualized real cost to producers of accessing the program is \$229,000 and the projected annualized real transfers are \$433 million. Conservation benefits from the easement are difficult to quantify at a national scale but have been described by studies at an individual project or watershed or local scale.

TABLE 1—ANNUALIZED REAL ESTIMATED COSTS, BENEFITS, AND TRANSFERS^a

Category	Annual estimate
Cost ^b	\$229,000
Benefits	Qualitative
Transfers	\$433,000,000

^aAll estimates are discounted at 3 percent to 2019. Note that this table focuses on the costs, benefits, and transfers of the entire program, not the marginal change in a comparison of the 2014 and 2018 Farm Bills.

^bImputed cost of applicant time to gain access to the program.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally requires an agency to prepare a regulatory analysis of any rule whenever an agency is required by APA or any other law to publish a proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is not subject to the Regulatory Flexibility Act because this rule is exempt from notice and comment rulemaking requirements of the APA and no other law requires that a proposed rule be published for this rulemaking initiative.

Environmental Review

The environmental impacts of this rule have been considered in a manner consistent with the provisions of NEPA (42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and

the NRCS regulations for compliance with NEPA (7 CFR part 650). NRCS conducted an analysis of the ACEP interim rule and NRCS’s analysis determined there would not be a significant impact to the human environment and as a result, an environmental impact statement (EIS) is not required to be prepared (40 CFR 1501.5 and 1501.6). The Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were available for review for 30 days from the date of publication of the interim rule in the **Federal Register**. NRCS considered comments received during the 30-day period and determined minor changes to the ACEP EA and FONSI were sufficient, and that no information warranting preparation of an EIS was received. The final ACEP EA and FONSI have been posted to the NRCS homepage at <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/farmbill/?cid=stelpdb1263599>.

Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. For reasons specified in the final rule-related notice regarding 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs and activities in this rule are excluded from the scope of Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 are to be exhausted, consistent with 7 U.S.C. 6912(e).

Executive Order 13132

This rule has been reviewed under Executive Order 13132, “Federalism.” The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the Federal Government and the States, or

on the distribution of power and responsibilities among the various levels of government, except as required by law. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires federal agencies to consult and coordinate with Tribes on a Government-to-Government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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.

The USDA’s Office of Tribal Relations (OTR) has assessed the impact of this rule on Indian Tribes and determined that this rule does not have significant Tribal implications that require Tribal consultations at this time for ACEP, which is a beneficial voluntary program. Notwithstanding this conclusion, OTR believes that continued focused outreach to Tribes could increase engagement in ACEP and provide assistance with water quality issues for Tribes. OTR states that NRCS has adhered to the spirit and intent of Executive Order 13175. If a Tribe requests consultation, NRCS and CCC will work with OTR to ensure meaningful consultation is provided where changes, additions, and modifications identified in this rule are not expressly mandated by the 2018 Farm Bill. Tribal consultation for this rule was included in the 2018 Farm Bill Tribal consultation held on May 1, 2019, at the National Museum of the American Indian, in Washington, DC. The portion of the Tribal consultation relative to this rule was conducted by Bill Northey, USDA Under Secretary for the Farm Production and Conservation mission area, as part of the Title I session. There were no specific comments from Tribes on ACEP during this Tribal consultation.

Additionally, NRCS held sessions with Indian Tribes and Tribal entities across the country in the spring of FY 2019 to describe the 2018 Farm Bill changes to NRCS conservation programs, obtain input about how to improve Tribal and Tribal member

access to NRCS conservation assistance, and make any appropriate adjustments to the regulations that will foster such improved access. NRCS invited State leaders for FSA and Rural Development (RD), as well as Regional Directors for the Risk Management Agency (RMA) to discuss their programs also.

As a result, approximately 50 percent of the comments received as a result of these sessions were directed to FSA, RMA, RD, and other USDA agencies, with many comments specific to hemp production and the surrounding regulations. Over 40 percent of the feedback pertained to NRCS programs. Comments listed challenges specific to Tribes that impact eligibility and inhibit access to USDA programs. None of the feedback received necessitated a change to the regulation.

NRCS will continue to work with our Tribal stakeholders to address the issues raised in order to facilitate greater technical assistance and program delivery to Indian country.

Separate from Tribal consultation and the sessions discussed above, communication and outreach efforts are in place to assure that all producers, including Tribes (or their members), are provided information about the regulation changes. Specifically, NRCS obtains input through Tribal Conservation Advisory Councils. A Tribal Conservation Advisory Council may be an existing Tribal committee or department and may also constitute an association of member Tribes organized to provide direct consultation to NRCS at the State, regional, and national levels to provide input on NRCS rules, policies, programs, and impacts on Tribes. Tribal Conservation Advisory Councils provide a venue for agency leaders to gather input on Tribal interests.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), requires Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal Governments or the private sector. Agencies generally must prepare a written statement, including cost-benefits analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal Governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined under Title II of UMRA, for

State, local, and Tribal Governments or the private sector. Therefore, this rule is not subject to the requirements of UMRA.

Federal Assistance Programs

The title and number of the Federal Domestic Assistance Programs in the Catalog of Federal Domestic Assistance to which this rule applies is: 10.931—Agricultural Conservation Easement Program.

E-Government Act Compliance

NRCS and CCC are 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.

List of Subjects in 7 CFR Part 1466

Agricultural, Flood Plains, Grazing lands, Natural resources, Soil conservation, and Wildlife.

Accordingly, the interim rule published January 6, 2020, at 85 FR 558, is adopted as final with the following changes:

PART 1468—AGRICULTURAL CONSERVATION EASEMENT PROGRAM

■ 1. The authority citation for part 1468 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3865–3865d.

Subpart A—General Provisions

§ 1468.3 [Amended]

■ 2. Amend § 1468.3 as follows:

■ a. In the definition of “Beginning farmer or rancher”:

■ i. In paragraph (1), remove the words “farm or ranch or” and add in their place the words “farm, ranch, or” each time they appear;

■ ii. In paragraphs (2) and (3), remove the words “farm or ranch” and add the words “farm, ranch, or NIPP” in their place each time they appear;

■ b. In the definition of “Eligible land”, add the word “land” immediately after the word “private”;

■ c. In the definition of “Farm or ranch succession plan”, remove the words “include specific” and add the words “include, but is not limited to, specific” in their place and remove the words “new or beginning farmers or ranchers, veteran farmers, or other”;

■ d. In the definition of “Future viability”, add the words “or adoption of a farm or ranch succession plan” immediately after the word “plan”; and

■ e. In the second sentence in the definition of “Maintenance”, add the word “performed” immediately after the word “work”.

§ 1468.6 [Amended]

■ 3. Amend § 1468.6 in paragraph (a)(3)(iii) by removing the cross reference “paragraph (a)(4)” and add in its place add the cross reference “paragraph (a)(5)”.

Subpart B—Agricultural Land Easements

§ 1468.20 [Amended]

■ 4. Amend § 1468.20 in paragraph (b)(1)(ii) by adding the word “demonstrated” immediately before the word “capability”.

■ 5. Amend § 1468.22 as follows.

■ a. Revise paragraph (b)(11); and

■ b. In paragraph (c)(2), add the word “annually” immediately after the words “monitored” and “reported”.

The revision reads as follows:

§ 1468.22 Establishing priorities, ranking considerations, and project selection.

* * * * *

(b) * * *

(11) Whether the land is currently enrolled in CRP in a contract that is set to expire within 1 year and is grassland that would benefit from protection under a long-term easement or is land under a CRP contract that is in transition to a covered farmer or rancher pursuant to 16 U.S.C. 3835(f);

* * * * *

§ 1468.23 [Amended]

■ 6. Amend § 1468.23 as follows:

■ a. In paragraph (b)(1), remove the words “Up to” and add “A minimum of” in their place and add the words “and not to exceed 7 fiscal years” immediately after the words “5 fiscal years”; and

■ b. In paragraph (b)(2), remove the words “Up to” and add “At least” in their place.

■ 7. In § 1468.24 revise paragraphs (b)(2)(i), (iii), and (iv) to read as follows:

§ 1468.24 Compensation and funding for agricultural land easements.

* * * * *

(b) * * *

(2) * * *

(i) The eligible entity’s own cash resources for payment of easement compensation to the landowner or for a buy-protect-sell transaction, the amount of the fair market value of the agricultural land easement, less the amount of the Federal share, that is provided through the conveyance of the

agricultural land easement by the eligible entity;

* * * * *

(iii) Where the amounts as identified in paragraphs (b)(2)(i) and (ii) of this section are not sufficient to meet the non-Federal share amount, the eligible entity may also include the procured costs paid by the eligible entity to a third-party for an appraisal, boundary survey, phase-I environmental site assessment, title commitment or report, title insurance, baseline reports, mineral assessments, or closing cost; and

(iv) Where the amounts as identified in paragraphs (b)(2)(i) through (iii) of this section are not sufficient to meet the non-Federal share amount, the eligible entity may also include up to 2 percent of the fair market value of the agricultural land easement for easement stewardship and monitoring costs provided by the eligible entity.

* * * * *

■ 8. In § 1468.25 revise paragraphs (c) and (d)(4) to read as follows:

§ 1468.25 Agricultural land easement deeds.

* * * * *

(c) The eligible entity may use its own terms and conditions in the agricultural land easement deed, but the agricultural land easement deed must provide for the effective administration, management, and enforcement of the agricultural land easement by the eligible entity or its successors and assigns and must address the deed requirements as specified by this part and by NRCS in the ALE-agreement.

(d) * * *

(4) Include clauses requiring that any changes to the easement deed or easement area made after easement recordation, including any amendment to the easement deed, any subordination of the terms of the easement, or any modifications, exchanges, or terminations of some or all of the easement area, must be consistent with the purposes of the agricultural land easement and this part and must be approved by NRCS and the easement holder in accordance with § 1468.6 prior to recordation or else the action is null and void.

* * * * *

§ 1468.26 [Amended]

■ 9. Amend § 1468.26 in paragraph (b)(1) by removing the words “up to” and adding “a minimum of” in their place and adding “and not to exceed 7 fiscal years” after the words “5 fiscal years”.

■ 10. Amend § 1468.27 as follows:

■ a. In paragraph (c)(1), add the words “the purchase of the land” after the word “completed”;

■ b. In paragraphs (c)(3)(ii) and (c)(4), add the words “of the land” after the word “value”;

■ b. Redesignate paragraphs (e)(4)(iii) and (iv) as paragraphs (e)(4)(iv) and (v);

■ c. Add a new paragraph (e)(4)(iii).

The addition reads as follows:

§ 1468.27 Buy-Protect-Sell transactions.

* * * * *

(e) * * *

(4) * * *

(iii) The Federal share for the agricultural land easement will be provided on a reimbursable basis only, after the agricultural land easement has closed and the required documents have been provided to and reviewed by NRCS.

* * * * *

■ 11. Amend § 1468.28 as follows:

■ a. Revise paragraph (c); and

■ b. In paragraph (f), add the words “in whole or in in part,” immediately after the word “terminated”.

The revision reads as follows:

§ 1468.28 Violations and remedies.

* * * * *

(c) Notwithstanding paragraph (a) of this section, NRCS reserves the right to enter upon and inspect the easement area if the annual monitoring report provided by the agricultural land easement holder documenting compliance with the agricultural land easement is insufficient or is not provided annually, the United States has a reasonable and articulable belief that the terms and conditions of the easement have been violated, or to remedy deficiencies or easement violations as it relates to the conservation plan in accordance with 7 CFR part 12. Prior to its inspection, NRCS will notify the agricultural land easement holder and the landowner and provide a reasonable opportunity for the agricultural land easement holder and the landowner to participate in the inspection.

* * * * *

Subpart C—Wetland Reserve Easements

§ 1468.32 [Amended]

■ 12. Amend § 1468.32 in paragraph (c)(2) by adding the words “or land under a CRP contract that is in transition to a covered farmer or rancher pursuant to 16 U.S.C. 3835(f), and such

land” immediately after the word “application”.

Terry Cosby,

Acting Chief, Natural Resources Conservation Service.

Robert Stephenson,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2021–02268 Filed 2–3–21; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 250 and 385

[Docket No. RM21–8–000; Order No. 875]

Civil Monetary Penalty Inflation Adjustments

AGENCY: Federal Energy Regulatory Commission, Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing a final rule to amend its regulations governing the maximum civil monetary penalties assessable for violations of statutes, rules, and orders within the Commission’s jurisdiction. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended most recently by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires the Commission to issue this final rule.

DATES: This final rule is effective February 4, 2021.

FOR FURTHER INFORMATION CONTACT: Todd Hettenbach, Attorney, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Phone: (202) 502–8794; email: Todd.Hettenbach@ferc.gov.

SUPPLEMENTARY INFORMATION:

1. In this final rule, the Federal Energy Regulatory Commission (Commission) is complying with its statutory obligation to amend the civil monetary penalties provided by law for matters within the agency’s jurisdiction.

I. Background

2. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Adjustment Act),¹ which further amended the Federal Civil Penalties Inflation Adjustment Act

¹ Public Law 114–74, Sec. 701, 129 Stat. 584, 599.

of 1990 (1990 Adjustment Act),² required the head of each Federal agency to issue a rule by July 2016 adjusting for inflation each “civil monetary penalty” provided by law within the agency’s jurisdiction and to make further inflation adjustments on an annual basis every January 15 thereafter.³

II. Discussion

3. The 2015 Adjustment Act defines a civil monetary penalty as any penalty, fine, or other sanction that: (A)(i) Is for a specific monetary amount as provided by Federal law; or (ii) has a maximum amount provided for by Federal law; (B) is assessed or enforced by an agency pursuant to Federal law; and (C) is assessed or enforced pursuant to an administrative proceeding or a civil

action in the federal courts.⁴ This definition applies to the maximum civil penalties that may be imposed under the Federal Power Act (FPA),⁵ the Natural Gas Act (NGA),⁶ the Natural Gas Policy Act of 1978 (NGPA),⁷ and the Interstate Commerce Act (ICA).⁸

4. Under the 2015 Adjustment Act, the first step for such adjustment of a civil monetary penalty for inflation requires determining the percentage by which the U.S. Department of Labor’s Consumer Price Index for all-urban consumers (CPI-U) for October of the preceding year exceeds the CPI-U for October of the year before that.⁹ The CPI-U for October 2020 exceeded the CPI-U for October 2019 by 1.182%.¹⁰

5. The second step requires multiplying the CPI-U percentage increase by the applicable existing

maximum civil monetary penalty.¹¹ This step results in a base penalty increase amount.

6. The third step requires rounding the base penalty increase amount to the nearest dollar and adding that amount to the base penalty to calculate the new adjusted maximum civil monetary penalty.¹²

7. Under the 2015 Adjustment Act, an agency is directed to use the maximum civil monetary penalty applicable at the time of assessment of a civil penalty, regardless of the date on which the violation occurred.¹³

8. The adjustments that the Commission is required to make pursuant to the 2015 Adjustment Act are reflected in the following table:

Source	Existing maximum civil monetary penalty	New adjusted maximum civil monetary penalty
16 U.S.C. 825o–1(b), Sec. 316A of the Federal Power Act.	\$1,291,894 per violation, per day	\$1,307,164 per violation, per day.
16 U.S.C. 823b(c), Sec. 31(c) of the Federal Power Act	\$23,331 per violation, per day	\$23,607 per violation, per day.
16 U.S.C. 825n(a), Sec. 315(a) of the Federal Power Act.	\$3,047 per violation	\$3,083 per violation.
15 U.S.C. 717t–1, Sec. 22 of the Natural Gas Act	\$1,291,894 per violation, per day	\$1,307,164 per violation, per day.
15 U.S.C. 3414(b)(6)(A)(i), Sec. 504(b)(6)(A)(i) of the Natural Gas Policy Act of 1978.	\$1,291,894 per violation, per day	\$1,307,164 per violation, per day.
49 App. U.S.C. 6(10) (1988), Sec. 6(10) of the Interstate Commerce Act.	\$1,352 per offense and \$68 per day after the first day.	\$1,368 per offense and \$69 per day after the first day.
49 App. U.S.C. 16(8) (1988), Sec. 16(8) of the Interstate Commerce Act.	\$13,525 per violation, per day	\$13,685 per violation, per day.
49 App. U.S.C. 19a(k) (1988), Sec. 19a(k) of the Interstate Commerce Act.	\$1,352 per offense, per day	\$1,368 per offense, per day.
49 App. U.S.C. 20(7)(a) (1988), Sec. 20(7)(a) of the Interstate Commerce Act.	\$1,352 per offense, per day	\$1,368 per offense, per day.

III. Administrative Findings

9. Congress directed that agencies issue final rules to adjust their maximum civil monetary penalties notwithstanding the requirements of the Administrative Procedure Act (APA),¹⁴ Because the Commission is required by law to undertake these inflation adjustments notwithstanding the notice and comment requirements that otherwise would apply pursuant to the APA, and because the Commission lacks discretion with respect to the method and amount of the adjustments, prior notice and comment would be impractical, unnecessary, and contrary to the public interest.

IV. Regulatory Flexibility Statement

10. The Regulatory Flexibility Act, as amended, requires agencies to certify that rules promulgated under their authority will not have a significant economic impact on a substantial number of small businesses.¹⁵ The requirements of the Regulatory Flexibility Act apply only to rules promulgated following notice and comment.¹⁶ The requirements of the Regulatory Flexibility Act do not apply to this rulemaking because the Commission is issuing this final rule without notice and comment.

V. Paperwork Reduction Act

11. This rule does not require the collection of information. The Commission is therefore not required to submit this rule for review to the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995.¹⁷

VI. Document Availability

12. 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 print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>). At this time, the Commission has suspended access to

² Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note).

³ 28 U.S.C. 2461 note, at (4). The Commission made its January 2020 adjustment on January 2, 2020, in Docket No. RM20–2–000. See *Civil Monetary Penalty Inflation Adjustments*, Order No. 865, 85 FR 2016 (Jan. 14, 2020), 170 FERC ¶ 61,001 (2020).

⁴ 28 U.S.C. note at (3).

⁵ 16 U.S.C. 791a *et seq.*

⁶ 15 U.S.C. 717 *et seq.*

⁷ 15 U.S.C. 3301 *et seq.*

⁸ 49 App. U.S.C. 1 *et seq.* (1988).

⁹ 28 U.S.C. 2461 note at (5)(b)(1).

¹⁰ See, e.g., Memorandum from Russell T. Vought, Office of Management and Budget, Implementation of the Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation

Adjustment Act Improvements Act of 2015 (Dec. 23, 2020).

¹¹ 28 U.S.C. 2461 note at (5)(a).

¹² *Id.*

¹³ *Id.* at (6).

¹⁴ *Id.* at (3)(b)(2).

¹⁵ 5 U.S.C. 601 *et seq.*

¹⁶ 5 U.S.C. 603, 604.

¹⁷ 44 U.S.C. 3507(d).

the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19).

13. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and downloading. To access this document in eLibrary, type the docket number (excluding the last three digits) in the docket number field.

14. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202)-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659, public.referenceroom@ferc.gov.

VII. Effective Date and Congressional Notification

15. For the same reasons the Commission has determined that public notice and comment are unnecessary, impractical, and contrary to the public interest, the Commission finds good cause to adopt an effective date that is less than 30 days after the date of publication in the **Federal Register** pursuant to the Administrative Procedure Act,¹⁸ and therefore, the regulation is effective upon publication in the **Federal Register**.

16. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule is being submitted to the Senate, House, and Government Accountability Office.

List of Subjects

18 CFR Part 250

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission. Commissioner Clements is not participating. Commissioner Christie is not participating.

Issued: January 8, 2021.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

In consideration of the foregoing, the Commission amends parts 250 and 385, chapter I, title 18, *Code of Federal Regulations* as follows:

PART 250—FORMS

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352; 28 U.S.C. 2461 note.

■ 2. Revise § 250.16(e)(1) to read as follows:

§ 250.16 Format of compliance plan for transportation services and affiliate transactions.

* * * * *

(e) * * *

(1) Any person who transports gas for others pursuant to subpart B or G of part 284 of this chapter and who knowingly violates the requirements of §§ 358.4 and 358.5 of this chapter, this section, or § 284.13 of this chapter will be subject, pursuant to sections 311(c), 501, and 504(b)(6) of the Natural Gas Policy Act of 1978, to a civil penalty, which the Commission may assess, of not more than \$1,307,164 for any one violation.

* * * * *

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 3. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551-557; 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 791a-825v, 2601-2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101-7352, 16441, 16451-16463; 49 U.S.C. 60502; 49 App. U.S.C. 1-85 (1988); 28 U.S.C. 2461 note (1990); 28 U.S.C. 2461 note (2015).

■ 4. Revise § 385.1504(a) to read as follows:

§ 385.1504 Maximum civil penalty (Rule 1504).

(a) Except as provided in paragraph (b) of this section, the Commission may assess a civil penalty of up to \$23,607 for each day that the violation continues.

* * * * *

■ 5. Revise § 385.1602 to read as follows:

§ 385.1602 Civil penalties, as adjusted (Rule 1602).

The current inflation-adjusted civil monetary penalties provided by law within the jurisdiction of the Commission are:

(a) 15 U.S.C. 3414(b)(6)(A)(i), Natural Gas Policy Act of 1978: \$1,307,164.

(b) 16 U.S.C. 823b(c), Federal Power Act: \$23,607 per day.

(c) 16 U.S.C. 825n(a), Federal Power Act: \$3,083.

(d) 16 U.S.C. 825o-1(b), Federal Power Act: \$1,307,164 per day.

(e) 15 U.S.C. 717t-1, Natural Gas Act: \$1,307,164 per day.

(f) 49 App. U.S.C. 6(10) (1988), Interstate Commerce Act: \$1,368 per offense and \$69 per day after the first day.

(g) 49 App. U.S.C. 16(8) (1988), Interstate Commerce Act: \$13,685 per day.

(h) 49 App. U.S.C. 19a(k) (1988), Interstate Commerce Act: \$1,368 per day.

(i) 49 App. U.S.C. 20(7)(a) (1988), Interstate Commerce Act: \$1,368 per day.

[FR Doc. 2021-00679 Filed 2-3-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket Nos. RM21-2-000 and RM20-20-000; Order No. 874]

Fuel Cell Thermal Energy Output; Bloom Energy Corporation

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final rule.

SUMMARY: In this final rule, the Federal Energy Regulatory Commission amends the definition of useful thermal energy output in its regulations implementing the Public Utility Regulatory Policies Act of 1978 to recognize the technical evolution of cogeneration.

DATES: This rule is effective April 5, 2021.

FOR FURTHER INFORMATION CONTACT:

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Thomas Dautel (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory

¹⁸ 5 U.S.C. 553(d)(3).

Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6196, *thomas.dautel@ferc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

1. In this final rule, the Federal Energy Regulatory Commission (Commission) revises its regulations (PURPA Regulations)¹ implementing sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA)² in light of the development of fuel cell systems with integrated hydrocarbon reformation equipment as a technical evolution of cogeneration.

2. On October 15, 2020, the Commission issued a notice of proposed rulemaking (NPR) proposing to modify the PURPA Regulations.³ Bloom Energy, Edison Electric Institute (EEI), and FuelCell Energy, Inc. (FuelCell Energy) responded with comments and the California Public Utilities Commission filed a notice of intervention. Bloom Energy also filed a motion to submit reply comments, and reply comments, to the comments of FuelCell Energy and EEI.

3. This final rule addresses the comments received in response to the NPR. With one modification, we adopt the proposed revisions in the NPR.

II. Background

4. PURPA was part of a legislative package Congress enacted in 1978 to address the energy crisis then facing the country.⁴ As the Supreme Court explained in *FERC v. Mississippi*,⁵ Congress was aware that domestic oil production had lagged behind demand, and the country had become increasingly dependent on foreign oil—which could jeopardize the country's economy and undermine its independence.⁶ Roughly a third of the nation's electricity was generated using oil and natural gas,⁷ and Congress concluded that increased reliance on cogeneration and small power production could significantly contribute to conserving this energy.⁸

As recognized by the Supreme Court, Congress passed PURPA to address the impacts of oil and natural gas shortages (and electric utilities' decreasing efficiency in their generating capacities) on customer rates and the economy as a whole.⁹

5. PURPA section 210 was intended to address the energy crisis by encouraging the development of QFs and thereby reducing the country's demand for traditional fossil fuels.¹⁰ PURPA section 210(a) thus directed that the Commission "prescribe, and from time to time thereafter revise, such rules as [the Commission] determines necessary to encourage cogeneration and small power production."¹¹

6. In 1980, the Commission issued Order No. 70, which promulgated rules that, as relevant here, largely remain in effect today.¹² Order No. 70 established the "criteria and procedures by which small power producers and cogeneration facilities can obtain qualifying status to receive the rate benefits and exemptions" contained in PURPA section 210.¹³ As relevant here, the Commission established criteria for a cogeneration QF, a facility that, as required by the statute, "produces (i) electric energy, and (ii) steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes."¹⁴

7. In enacting PURPA, Congress could not, and did not, predict specific technological developments that would occur in future years but instead recognized the Commission's discretion by directing the Commission to "from time to time thereafter revise such rules as it determines necessary to encourage cogeneration."¹⁵ Although in 1978 the predominant form of cogeneration was a more traditional combined heat and power, Congress did not limit the

definition of qualifying cogeneration facilities to the particular technologies then in existence. Instead, as described above, Congress defined a cogeneration facility as a facility that produces: (1) Electric energy; and (2) steam or forms of useful energy, such as heat, which are used for industrial, commercial, heating or cooling purpose.¹⁶ Congress otherwise left it for the Commission, from time to time, to determine the types of facilities that would qualify as cogeneration facilities under the statute.

8. Unlike more traditional electric generation that relies on combustion of fossil fuels to produce electric energy, fuel cells convert the chemical energy in hydrogen to electric energy without combustion. This conversion has been characterized as a significant improvement in the efficiency of electric generation.¹⁷ More specifically, hydrogen fuel—which can be produced from the application of heat and steam to hydrocarbons such as natural gas—enters the anode side of the fuel cell. Simultaneously, ambient air enters the cathode side of the fuel cell. The hydrogen fuel on the anode attracts oxygen ions from the cathode. The resulting electrochemical reaction produces electricity plus heat and steam that can be used up front to reform natural gas on-site to produce the hydrogen that fuels the fuel cell.¹⁸

9. If the natural gas reformation equipment were instead located offsite, then waste heat (in the form of steam) from the electricity production by the fuel cell would not be available to aid the reformation process to fuel the cell. In this offsite reformation scenario, we would expect the external reformation process to require additional natural gas to be burned to create steam so that the remainder of the input natural gas could be reformed into hydrogen.¹⁹ This would be inefficient and inconsistent with Congress's goal in enacting PURPA, as discussed above.

10. Stated another way, integrating the natural gas reformation process into a fuel cell generating facility results in significant "progress in the development of efficient electric energy generating technology."²⁰

III. NPR Proposal

11. In the NPR, the Commission stated that the statutory definition of

¹⁶ See *supra* note 14.

¹⁷ Bloom Energy Petition at 8.

¹⁸ *Id.*

¹⁹ Furthermore, because hydrogen is frequently compressed or liquified for shipment to the point of consumption, more energy would be needed for these activities. *Id.* at 8 & App. B.

²⁰ *Id.* at 1, 3, 7, 16 (citing 16 U.S.C. 824a-3(n)(1)(A)(iii)).

⁹ *Id.* at 745-46.

¹⁰ *Id.* at 750.

¹¹ 16 U.S.C. 824a-3(a).

¹² *Small Power Production and Cogeneration Facilities—Qualifying Status*, Order No. 70, 45 FR 17959 (Mar. 20, 1980), FERC Stats. & Regs. ¶ 30,134 (cross-referenced at 10 FERC ¶ 61,230), *order on reh'g*, Order No. 70-A, 45 FR 33603 (May 20, 1980), FERC Stats. & Regs. ¶ 30,159 (cross-referenced at 11 FERC ¶ 61,119), *order on reh'g*, Order No. 70-B, 45 FR 52779 (Aug. 4, 1980), FERC Stats. & Regs. ¶ 30,176 (cross-referenced at 12 FERC ¶ 61,128), *order on reh'g*, 45 FR 66784 (Oct. 8, 1980) FERC Stats. & Regs. ¶ 30,192 (1980) (cross-referenced at 12 FERC ¶ 61,306), *amending regulations*, Order No. 70-D, 46 FR 11251 (Feb. 6, 1981), FERC Stats. & Regs. ¶ 30,234 (cross-referenced at 14 FERC ¶ 61,076), *amending regulations*, Order No. 70-E, 46 FR 33025 (Jun. 26, 1981) FERC Stats. & Regs. ¶ 30,274 (1981) (cross-referenced at 15 FERC ¶ 61,281).

¹³ Order No. 70, FERC Stats. & Regs. ¶ 30,134 at 30,933.

¹⁴ 16 U.S.C. 796(18); *accord* 18 CFR 292.202(c).

¹⁵ 16 U.S.C. 824a-3(a).

¹ 18 CFR part 292.

² 16 U.S.C. 796, 824a-3.

³ *Fuel Cell Thermal Energy Output*, Notice of Proposed Rulemaking, 85 FR 67,699 (Oct. 26, 2020), 175 FERC ¶ 61,050 (2020) (NPR).

⁴ See Public Law 95-617, 92 Stat. 3117 (1978). In addition to PURPA, that legislative package included: The Energy Tax Act of 1978, Public Law 95-618, 92 Stat. 3174; the National Energy Conservation Policy Act, Public Law 95-619, 92 Stat. 3206; the Powerplant and Industrial Fuel Use Act of 1978, Public Law 95-620, 92 Stat. 3289; and the Natural Gas Policy Act of 1978, Public Law 95-621, 92 Stat. 3351.

⁵ 456 U.S. 742 (1982).

⁶ *Id.* at 756.

⁷ *Id.* at 745.

⁸ *Id.* at 757.

cogeneration facilities requires that a cogeneration facility produce “(i) electric energy, and (ii) steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes.”²¹ This definition provides for steam or other forms of useful energy to be used for, e.g., an industrial purpose. The creation by a fuel cell system with an integrated natural gas reformation process of a commercially valuable fuel, as described in the NOPR, would fit within the scope of this statutory definition. Consistent with the PURPA Regulations, fuel cell systems with integrated natural gas reformation equipment produce two forms of energy: Electricity, and the heat/steam (thermal energy) used to create the hydrogen that fuels the fuel cell system (a chemical energy).

12. The Commission’s PURPA Regulations define a topping-cycle cogeneration facility as a cogeneration facility in which the energy input to the facility is first used to produce useful power output and at least some of the reject heat from the power production process is then used to provide useful thermal energy.²²

13. Fuel cell systems with integrated natural gas reformation equipment convert the chemical energy within natural gas into electricity using a steam-methane reformation process,²³ which essentially converts the methane in the natural gas input to hydrogen, which then reacts with oxygen in the fuel cell to produce electricity. The by-product of the fuel cell’s production of electricity is heat and steam, some of which can be used in the steam-methane reformation process to convert more methane into hydrogen, which the fuel cells use, in combination with oxygen from the air, to produce electricity.

14. As a cogeneration QF is one that “produces electric energy as well as steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes,”²⁴ consistent with the PURPA Regulations, fuel cell systems

with integrated natural gas reformation equipment generate two forms of useful energy—electricity, and heat/steam (thermal energy) that is used to produce hydrogen (a chemical energy).

15. The PURPA Regulations identify three categories of useful thermal output from a topping-cycle cogenerator. They are thermal energy (1) that is “made available to an industrial or commercial process . . . ; (2) that is used in a heating application . . . ; or (3) that is used in a space cooling application.”²⁵ In the NOPR, the Commission proposed to amend its regulations to provide that the production of heat/steam by a solid oxide fuel cell system for use in an integrated natural gas reformation process to produce hydrogen yields a useful thermal energy output made available to an industrial process that, as described in the NOPR, entitles such a system to be considered a topping cycle cogeneration facility that qualifies, subject to meeting the other relevant requirements,²⁶ to be a QF. The Commission stated that the recent technological advances in utilizing the thermal energy from a solid oxide fuel cell in an integrated steam hydrocarbon reformation process were not known or anticipated when the Commission adopted its original definitions for useful thermal energy, but that fact should not stand in the way of the Commission now recognizing such advances and responding accordingly.²⁷

16. In recognition of technological advancements over the past 40 years and Congress’s commitment to “continuing progress in the development of efficient electric energy generating technology,”²⁸ and in light of the development and commercialization of fuel cell systems with integrated natural gas reformation equipment since the original adoption of the PURPA Regulations, the Commission proposed in the NOPR to amend section 292.202(h) of the PURPA Regulations by adding a new paragraph providing that useful thermal energy output include the thermal energy that is used by a solid oxide fuel cell system with an integrated steam hydrocarbon

reformation process for production of fuel for electricity generation.²⁹

17. In proposing this change to its regulations, the Commission did not propose to revise section 292.205(d) of the PURPA Regulations, which establishes additional criteria for, in particular, new cogeneration facilities seeking to sell electric energy pursuant to PURPA section 210.³⁰ The Commission proposed that any new cogeneration facility that is a solid oxide fuel cell system with an integrated steam hydrocarbon reformation process would be required to satisfy the existing criteria of section 292.205(d) of the PURPA Regulations if it seeks to make sales of electric energy pursuant to PURPA section 210.

IV. Comments

18. FuelCell Energy, which explains that it operates fuel cell systems on three continents that have generated over 10 billion kWh of power, asks the Commission to revise its regulations to encompass more than just solid oxide fuel cell systems. FuelCell Energy asserts that Bloom Energy requested that the Commission expand its current definition of a cogeneration facility so that Bloom Energy’s solid oxide fuel cells qualify as a QF. FuelCell Energy argues that the Commission should revise the definition, so it can apply more broadly to any fuel cell systems that use waste heat for the reforming of fuel to produce hydrogen, and not just Bloom Energy’s solid oxide fuel cell system.³¹

19. FuelCell Energy asserts that its carbonate fuel cells use waste heat in an integrated fuel reforming process to produce hydrogen,³² just as Bloom Energy’s solid oxide fuel cells do. FuelCell Energy contends that, as long as fuel cell systems use waste heat for the reforming of hydrocarbon fuel to produce hydrogen, the particular fuel cell technology should not be exclusive or exclusionary; so long as there is no efficiency tradeoffs or additional negative environmental impacts, the type of fuel cell technology (whether

²¹ 16 U.S.C. 796(18)(A).

²² 18 CFR 292.202(d).

²³ Industrial gas manufacturers also produce hydrogen from natural gas using a steam-methane reformation process, but must produce their own steam, usually through combustion of some of the input natural gas. Because the buyers of the resulting hydrogen are usually remote from the industrial gas manufacturer, this hydrogen is either compressed or liquified in order to transport the hydrogen to the end user. Integrating the natural gas steam reformation process into a fuel cell system increases efficiency and avoids the energy loss of external reformation, and compression or liquefaction for surface transportation. Bloom Energy Petition at 8 & App. B.

²⁴ 16 U.S.C. 796(18).

²⁵ 18 CFR 292.202(h).

²⁶ See 18 CFR 292.203(b), 292.205. If the cogeneration facility is a “new” qualifying cogeneration facility “seeking to sell electric energy pursuant to [PURPA section 210],” such facility must meet certain additional requirements. 16 U.S.C. 824a–3(n); accord 18 CFR 292.205(d) (implementing PURPA section 210(n), by requiring an additional showing for certain cogeneration facilities that are “seeking to sell electric energy pursuant to [PURPA] section 210”).

²⁷ See *infra* note 53.

²⁸ 16 U.S.C. 824a–3(n)(1)(A)(iii).

²⁹ NOPR, 175 FERC ¶ 61,050 at PP 1, 3, 7, 10–11.

³⁰ 18 CFR 292.205(d); see also 18 CFR 292.205(d)(4) (“For purposes of paragraphs (d)(1) and (2) of this section, a new cogeneration facility of 5 MW or smaller will be presumed to satisfy the requirements of those paragraphs.”). That presumption for 5 MW or smaller facilities is a rebuttable presumption, though.

Revised Regulations Governing Small Power Production and Cogeneration Facilities, Order No. 671, 114 FERC ¶ 61,102, at PP 26, 60, order on reh’g, Order No. 671–A, 115 FERC ¶ 61,225 (2006).

³¹ FuelCell Energy Comments at 5, 7.

³² *Id.* at 6.

carbonate or solid oxide) should be irrelevant.³³

20. EEI requests that the Commission not move forward with this final rule, arguing that the Commission cannot expand the statutory definition of a cogeneration facility.³⁴ EEI asserts that fuel cell technology does not meet the statutory requirements to be certified as a cogeneration facility. EEI agrees that the Commission is charged with implementing PURPA through adoption of regulations but argues that, in doing so, the Commission is limited by the statutory requirements. EEI states that, to qualify as a QF, a cogeneration facility must meet the statutory definition of a cogeneration facility, *i.e.*, it must be a facility which produces: (1) Electric energy and (2) steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes.³⁵

21. EEI also points out that the statute requires that the Commission establish regulations that ensure that:

- (i) The thermal energy output of a new qualifying cogeneration facility is used in a productive and beneficial manner;
- (ii) the electrical, thermal, and chemical output of the cogeneration facility is used fundamentally for industrial, commercial, or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as State laws applicable to sales of electric energy from a qualifying facility to its host facility; and
- (iii) continuing progress in the development of efficient electric energy generating technology.³⁶

22. EEI argues that this statutory language indicates that, contrary to the Commission's statement in the NOPR, the definition of cogeneration is not "open-ended."³⁷ EEI recognizes that other technologies may qualify as cogeneration facilities under the statute but argues that the fuel cell technology described in the NOPR does not meet the statutory requirement.³⁸

23. EEI explains that the solid oxide fuel cell system described in the NOPR appears to be a self-contained reaction that is designed to produce electricity and thus is inconsistent with the statutory requirement.³⁹ EEI explains that, in Order No. 70, the Commission

defined a cogeneration facility as one that

produces electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes. Thus, cogeneration facilities simultaneously produce two forms of useful energy, namely electric power and heat. Cogeneration facilities can use significantly less fuel to produce electricity and steam (or other forms of energy) than would be needed to produce the two separately. By using the fuels more efficiently cogeneration facilities can make a significant contribution to the Nation's effort to conserve its energy resources.⁴⁰

24. Further, EEI explains that there is an explicit requirement for the sequential use of energy in cogeneration facilities. This means that rejected heat from a power production or heating process is used in another power production or heating process. It is precisely this "cascading" use of energy in sequential processes that gives rise to the energy conserving characteristics of cogeneration.⁴¹

25. EEI explains that, in adopting this provision in Order No. 70, the Commission clarified the facilities eligible for QF status did not include natural gas-fired combined-cycle combustion plants even though the sequential use of heat is used to produce more electricity.⁴² EEI argues that the main difference between a solid oxide fuel cell and a natural gas-fired combined-cycle facility is that the solid oxide fuel cell produces electricity from natural gas through a chemical reaction instead of combustion, which is not a meaningful distinction because "[i]f the thermal energy uses were not required to be completely independent of the power production processes many conventional generating facilities could be considered cogeneration facilities and may be eligible for the benefits of section 210 of PURPA."⁴³

26. EEI argues that allowing solid oxide fuel cells to now qualify as cogeneration is inconsistent with the rationale behind encouraging cogeneration under PURPA. EEI explains that, in Order No. 70, the Commission recognized that the goal was to promote conservation by recognizing that the production of electricity often creates a byproduct, thermal energy, and with minimal additional fuel the cogenerators could produce large amounts of thermal energy that could be used in other

processes.⁴⁴ EEI asserts that solid oxide fuel cells' primary purpose is to produce more electricity instead of using the thermal energy for another, independent purpose.

27. Finally, EEI argues that, in the past, the Commission has remained technology neutral; yet, here, the Commission is proposing to change its PURPA Regulations to endorse a specific technology. EEI requests that, instead of changing the regulations to accommodate specific technologies, the Commission evaluate new technologies under statutory criteria and the goals of PURPA to ensure a level playing field for all technologies.

28. Bloom Energy filed comments reiterating its support for the revision of the Commission's PURPA Regulations, contending that the revised definition "represents a narrow, targeted form of regulatory relief necessary to ensure 'continuing progress in the development of efficient electric energy generating technology' and . . . would not impact the application of the 'fundamental use test' or the existing operating standards applicable to cogeneration facilities."⁴⁵ Bloom Energy asserts that fuel cells provide several public policy benefits such as grid reliability and resiliency of electric supply. Bloom Energy includes a Joint Declaration from former Commissioners Vicky A. Bailey, Norman C. Bay, Nora Mead Brownell, Sudeen G. Kelly, and William L. Massey, who note their support of the NOPR and state that the "proposed change is consistent with the statutory text of PURPA and the definition of 'cogeneration facility' in the [FPA]. . . ." ⁴⁶ Subsequently, Bloom Energy filed reply comments in response to the comments of FuelCell Energy and EEI.

V. Discussion

29. In this final rule, we adopt a revision to the definition of a topping-cycle cogeneration facility in section 292.202(h) of the PURPA Regulations, as proposed in the NOPR, with one modification, to include all fuel cells that use waste heat in an integrated fuel reforming process, instead of limiting the type of eligible fuel cells to only solid oxide fuel cells.⁴⁷

³³ *Id.* at 5.

³⁴ EEI Comments at 2.

³⁵ *Id.* at 4 (quoting 16 U.S.C. 796(18)).

³⁶ *Id.* (quoting 16 U.S.C. 824a-3(n)).

³⁷ *Id.* (referencing NOPR, 175 FERC ¶ 61,050 at P 3).

³⁸ *Id.*

³⁹ *Id.* at 6.

⁴⁰ *Id.* (quoting Order No. 70, FERC Stats. & Regs. ¶ 30,134 at 30,931-32).

⁴¹ *Id.* (quoting Order No. 70, FERC Stats. & Regs. ¶ 30,134 at 30,934).

⁴² *Id.* at 6-7.

⁴³ *Id.* at 7 (quoting *EG&G, Inc.*, 16 FERC ¶ 61,060, at 61,104 (1981)).

⁴⁴ *Id.*
⁴⁵ Bloom Energy Comments at 7 (referencing Bloom Energy Petition at 1-2) (internal quotations omitted).

⁴⁶ Bloom Energy Comments, Joint Declaration at 3.

⁴⁷ We recognize that the integrated fuel reforming process can use hydrocarbons other than just natural gas but also, *e.g.*, bio-gas. The regulatory text's reference to "an integrated steam hydrocarbon reformation process" thus encompasses not only

30. The statutory definition of cogeneration facilities requires only that a cogeneration facility produce “(i) electric energy, and (ii) steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes”⁴⁸ This definition explicitly provides for steam or other forms of useful energy to be used for an industrial purpose. Because, as described above, a fuel cell system with an integrated hydrocarbon reformation process creates useful thermal energy in that it is used for an industrial purpose—here, producing a commercially valuable fuel, hydrogen—it fits within this statutory definition. Phrased differently, fuel cell systems with integrated hydrocarbon reformation equipment produce two forms of useful energy: Electric energy and heat/steam (thermal energy) which can be used to produce hydrogen (from which chemical energy can be used to produce electric energy).

31. Currently, the Commission’s PURPA Regulations as adopted in 1980 provide that a topping-cycle cogeneration facility is a cogeneration facility in which the energy input to the facility is first used to produce useful power output and at least some of the reject heat from the power production process is then used to provide useful thermal energy.⁴⁹ Fuel cell systems with integrated hydrocarbon reformation equipment convert the chemical energy of the methane within natural gas into hydrogen and, ultimately, electricity using a steam-methane reformation process,⁵⁰ which converts the natural gas input to hydrogen, which reacts with oxygen in the fuel cell to produce electricity. The by-product of the fuel cell’s production of electricity is heat and steam, some of which is used in the integrated hydrocarbon reformation process to convert more natural gas into hydrogen, which the fuel cells use, in combination with oxygen from the air, to produce electricity.

32. A cogeneration facility is, per the statute, one that “produces electric

energy as well as steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes.”⁵¹ Consistent with this language, fuel cell systems with integrated hydrocarbon reformation equipment do exactly that and thus can be cogeneration facilities. Fuel cells, as noted above, generate two forms of useful energy—electricity and the heat/steam (thermal energy) that is used to produce hydrogen. The Commission thus amends its PURPA Regulations to provide that the production of heat/steam by a fuel cell system with an integrated hydrocarbon reformation process to produce hydrogen yields a “useful thermal energy output” made available to an industrial process that entitles such a system, consistent with the statute’s requirements for a cogeneration facility, to be considered a topping cycle cogeneration facility that can qualify, subject to meeting the other relevant requirements,⁵² to be a QF. The technological advances in fuel cells that have occurred since 1980 were neither known nor anticipated when the Commission adopted its original definitions for useful thermal energy, but that fact should not stand in the way of the Commission now recognizing such advances and responding accordingly.⁵³

33. In sum, recognizing technological advancements over the past 40 years and Congress’s commitment to “continuing progress in the development of efficient electric energy generating technology,”⁵⁴ and in light of the development and commercialization of fuel cell systems with integrated hydrocarbon reformation equipment since the original adoption of the PURPA Regulations, we amend section 292.202(h) of the PURPA Regulations by adding a new paragraph to provide that “useful thermal energy output” includes the thermal energy that is used by a fuel cell system with an integrated steam hydrocarbon reformation process for

production of hydrogen to be used, ultimately, as fuel for electricity generation.

34. We also note that the thermal energy output, *i.e.*, the waste heat, from the fuel cell that is used to reform natural gas into hydrogen fuel is used in a sequential process to create additional electricity and is more efficient and uses less fuel than fuel cells without integrated fuel reforming systems. This technology did not exist when the Commission established the regulations in Order No. 70. In this final rule, we now update our cogeneration regulations to include fuel cells with an integrated steam hydrocarbon reformation process. Combined-cycle electric generation, while admittedly a more efficient form of electric generation than, for example, a combustion turbine, is still not the same thing as a fuel cell system with an integrated steam hydrocarbon reformation process and does not warrant being identified as a qualifying facility.

35. FuelCell Energy argues that the NOPR proposal endorsed a specific technology, solid oxide fuel cells, instead of establishing standards that would apply to all similar fuel cells. We agree. The Commission has not endorsed specific types of solar panels, for example, in defining small power production facilities. Here, as FuelCell Energy recognizes, the focus should be on the integrated use of waste heat for reforming hydrocarbons to produce hydrogen to fuel a fuel cell, instead of the specific fuel cell technology utilized to accomplish that goal (*i.e.*, solid oxide or carbonate). As such, we modify the proposed definition in the NOPR to state that useful thermal energy output includes the thermal energy that is used by a fuel cell system with an integrated steam hydrocarbon reformation process for production of fuel for electricity generation.

36. Finally, as we have noted above, we reiterate that “new” cogeneration facilities seeking to sell electric energy pursuant to PURPA section 210 must meet the additional requirements imposed by PURPA section 210 and the implementing regulations, that the “thermal energy output . . . is used in a productive and beneficial manner”⁵⁵ and that “[t]he electrical, thermal, chemical and mechanical output of the cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric

use of natural gas in the reformation process but also use of other hydrocarbons such as bio-gas.

⁴⁸ 16 U.S.C. 796(18)(A).

⁴⁹ 18 CFR 292.202(d).

⁵⁰ As explained in the NOPR, and described again above, industrial gas manufacturers also produce hydrogen from natural gas using a steam-methane reformation process but must produce their own steam, usually through combustion of some of the input natural gas. Because the buyers of the resulting hydrogen are usually remote from the industrial gas manufacturer, this hydrogen is either compressed or liquified in order to transport the hydrogen to the end user. Integrating the hydrocarbon reformation process into a fuel cell system increases efficiency and avoids the energy loss of external reformation and compression or liquefaction for surface transportation.

⁵¹ 16 U.S.C. 796(18).

⁵² See 18 CFR 292.203(b), 292.205. If the facility is a “new” cogeneration facility that seeks to sell electric energy pursuant to PURPA section 210, it will also need to meet the additional requirements applicable to such facilities. 16 U.S.C. 824a–3(n); 18 CFR 292.205(d).

⁵³ We recognize that, in *EG&G, Inc.*, the Commission stated that, for cogeneration, “the use of thermal energy must be completely independent of the power production process.” *EG&G, Inc.*, 16 FERC at 61,104. Even aside from the fact that that order did not involve fuel cells, it was issued under the regulations then effective, which we revise here. See *id.* at 61,103–04. In short, it was based on the regulations as adopted in 1980, and it has now been overtaken by the change in the PURPA Regulations adopted today.

⁵⁴ 16 U.S.C. 824a–3(n)(1)(A)(iii).

⁵⁵ 18 CFR 292.205(d)(1).

utility.”⁵⁶ These requirements apply to fuel cell systems subject to the revised regulations adopted in this final rule.

VI. Information Collection Statement

37. The Paperwork Reduction Act⁵⁷ requires each federal agency to seek and obtain the Office of Management and Budget’s (OMB) approval before undertaking a collection of information (including reporting, record keeping, and public disclosure requirements) directed to ten or more persons or contained in a rule of general applicability. OMB regulations require approval of certain information

collection requirements contemplated by proposed rules (including deletion, revision, or implementation of new requirements).⁵⁸ Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number.

Public Reporting Burden: The Commission is revising its regulations implementing PURPA. The revision

provides that useful thermal energy outputs will now include the thermal energy “that is used by a fuel cell system with an integrated steam hydrocarbon reformation process for production of fuel for electricity generation.” Below, the table includes estimated changes to the burden and cost of the FERC Form No. 556A⁵⁹ due to this final rule. As demonstrated by the table, we believe that some respondents may file multiple Form No. 556As in order to avail themselves of the revision in the regulations adopted above.⁶⁰

FERC–556A, CERTIFICATION OF QUALIFYING FACILITY STATUS FOR A SMALL POWER PRODUCTION OR COGENERATION FACILITY, CHANGES DUE TO FINAL RULE IN DOCKET NOS. RM21–2–000 AND RM20–20–000⁶¹

Facility type	Filing type	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Annual cost per respondent (\$) (5) ÷ (1)
Cogeneration Facility ≤ 1 MW ⁶² .	Self-certification.	5	⁶³ 600	3,000	1.5 hrs.; \$124.50	4,500 hrs.; \$373,500	\$74,700
Cogeneration Facility > 1 MW.	Self-certification.	5	20	100	1.5 hrs.; \$124.50	1,500 hrs.; \$12,450	2,490
Cogeneration Facility > 1 MW.	Application for FERC certification.	5	1	5	50 hrs.; \$4,150	250 hrs.; \$20,750	4,150
FERC–556A, TOTAL ADDITIONAL BURDEN AND COST DUE TO final rule in RM21–2 and RM20–20.	.....	15	.....	3,105	.....	6,250 hrs.; \$406,700	.....

Title: FERC–556A (Certification of Qualifying Facility (QF) Status for a

Small Power Production or Cogeneration Facility)

While FuelCell Energy also states that, to date, it has over 250 MW of fuel cells

⁵⁶ 18 CFR 292.205(d)(2). See also Energy Policy Act of 2005, Public Law 109–58, 1253, 119 Stat. 594, 967–70 (2005); Order No. 671, 114 FERC ¶ 61,102, order on reh’g, Order No. 671–A, 115 FERC ¶ 61,225.

⁵⁷ 44 U.S.C. 3501–21.

⁵⁸ See 5 CFR 1320.11.

⁵⁹ The change to the FERC–556 to reflect the change in the regulations adopted by this final rule is being submitted under a temporary interim information collection number, FERC–556A (OMB Control No. 1902–0316) because another change to FERC–556 (OMB Control No. 1902–0075) is pending OMB review and only one change per OMB Control No. can be pending for OMB review at a time.

⁶⁰ The changes to the FERC Form No. 556 adopted in Order No. 872 are pending OMB review (under ICR #202006–1902–004). Those changes are separate and are not affected by or addressed in this final rule.

⁶¹ The figures in this table reflect estimated changes to the current OMB-approved inventory for the FERC Form No. 556. *Commission Information Collection Activities (FERC–556); Comment Request; Extension*, Docket No. IC19–16–000 (issued May 15, 2019 and approved by OMB on November 18, 2019). The above table only reflects cogeneration facilities because small power production facilities will not be affected by the changes in this final rule. The Commission staff believes that the industry is similarly situated to the

Commission in terms of wages and benefits. Therefore, cost estimates are based on FERC’s 2020 average hourly wage (and benefits) of \$83.00/hour.

⁶² Such facilities are not required to file but have the choice whether to do so.

⁶³ Bloom Energy has stated they have 600 facilities, each with an average size of 0.6 MW, see Bloom Energy Petition at 14, which, if they all were in fact to file, would result in as many as 600 self-certifications of below-1 MW facilities. The Commission accordingly will adopt a conservative approach and estimate 600 such responses over the course of a year, which is especially conservative given that the Commission’s regulations do not require below-1 MW facilities to submit self-certifications.

(but of unknown size) installed, in backlog, or under award on three continents, our burden estimate of as many as five respondents self-certifying up to 600 units annually each is sufficiently large to encompass any such self-certifications.

Action: Revisions to existing information collection FERC-556-A.⁶⁴ OMB Control No.: 1902-0316.

Respondents: Facilities that are self-certifying their status as a cogenerator or that are submitting an application for Commission certification of their status as a cogenerator.

Frequency of Information: Ongoing.

Necessity of Information: The Commission directs the changes in this final rule in order to revise its implementation of PURPA in light of technological advancements in electric generation since the enactment of PURPA in 1978.

Internal Review: The Commission has reviewed the proposed changes and has determined that such changes are necessary. These requirements conform to the Commission's ongoing need for efficient information collection, communication, and management within the energy industry, in light of technological advancements in electric generation.

Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], by email to DataClearance@ferc.gov, or by phone (202) 502-8663.

Please send comments concerning the collection of information and the associated burden estimates to: Office of Information and Regulatory Affairs, Office of Management and Budget [Attention: Federal Energy Regulatory Commission Desk Officer]. Due to security concerns, comments should be sent directly to www.reginfo.gov/public/do/PRAMain. Comments submitted to OMB should be sent within 30 days of publication of this notice in the **Federal Register** and should refer to FERC-556 (OMB Control No. 1902-0075).

VII. Environmental Analysis

38. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement

⁶⁴ The FERC Form No. 556 is not being revised, but respondents with fuel cell systems with integrated natural gas reformation equipment who are self-certifying or requesting Commission certification as a cogenerator will use the FERC Form No. 556. On page 8, item 6a of the FERC Form No. 556, those respondents should indicate "Fossil fuel, natural gas (not waste)."

for any action that may have a significant adverse effect on the human environment.⁶⁵ Whether and how the changes adopted here, however, would affect QF development and the environment is speculative.

39. The changes to the PURPA Regulations do not authorize or fund particular generation that may happen to qualify as QFs, nor do they license or issue permits for operation of generation that may happen to qualify as QFs; such generation can be built and operated independent of, *i.e.*, without, QF certification. They do not authorize or prohibit a generator's use of any particular technologies or fuels, nor do they mandate or limit where QFs should or should not be built. They do not exempt QFs from any Federal, state or local environmental, siting, or other similar laws or regulatory requirements. Given these facts any environmental impact analysis of the revisions proposed here would be speculative and not meaningfully inform the Commission or the public of the revisions' impact on QF development or, correspondingly, of any associated potential impacts on the environment; there are, in short, no reasonably foreseeable environmental impacts for the Commission to consider.⁶⁶ Moreover, the revisions proposed here would apply only to a limited number of QFs: Fuel cell systems with integrated hydrocarbon reformation equipment. Therefore, the Commission will not prepare an environmental document.

VIII. Regulatory Flexibility Act

40. The Regulatory Flexibility Act of 1980 (RFA)⁶⁷ generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. In lieu of preparing a regulatory flexibility analysis, an agency may certify that a proposed rule will not have a significant economic impact on a substantial number of small entities.⁶⁸

41. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.⁶⁹ The

⁶⁵ *Regulations Implementing the National Environmental Policy Act*, Order No. 486, 52 FR 47,897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

⁶⁶ While courts have held that NEPA requires "reasonable forecasting," an agency is not required "to engage in speculative analysis" or "to do the impractical, if not enough information is available to permit meaningful consideration." *N. Plains Res. Council v. Surface Transp. Board*, 668 F.3d 1067, 1078 (9th Cir. 2011).

⁶⁷ 5 U.S.C. 601-12.

⁶⁸ 5 U.S.C. 605(b).

⁶⁹ 13 CFR 121.101.

SBA size standard for electric utilities is based on the number of employees, including affiliates.⁷⁰ Under SBA's current size standards, the threshold for a small entity (including its affiliates) is 250 employees for cogeneration in the NAICS⁷¹ category: NAICS code 221118 for Other Electric Power Generation.

42. This rule directly affects cogeneration facilities, the majority of which the Commission estimates are small businesses. However, the Commission does not expect the revision to affect a substantial number of small entities. This final rule directly affects only certain QFs, *i.e.*, those that are fuel cell systems with integrated steam hydrocarbon reformation equipment; this rule is voluntary. That is, this final rule expands the types of cogenerators that would be eligible to qualify as QFs to include fuel cell systems with integrated steam hydrocarbon reformation equipment, but this final rule does not require fuel cell systems with integrated steam hydrocarbon reformation equipment to file for QF certification. The Commission does not anticipate that the number of affected small entities would be substantial, nor does the Commission expect that any additional reporting burden or cost imposed on QFs, regardless of their status as a small or large business, would be significant.⁷² The Commission estimates that annual additional compliance costs on industry (detailed above) will be approximately \$406,700 to comply with these requirements.

43. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

IX. Document Availability

44. 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

⁷⁰ SBA final rule on "Small Business Size Standards: Utilities," 78 FR 77,343 (Dec. 23, 2013).

⁷¹ The North American Industry Classification System (NAICS) is an industry classification system that Federal statistical agencies use to categorize businesses for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. United States Census Bureau, *North American Industry Classification System*, <https://www.census.gov/eos/www/naics/> (accessed October 4, 2020).

⁷² The average cost per response is estimated to vary from \$124.50 for self-certifications to \$4,150 for applications for FERC certification. The cost per respondent will vary based on the respondent's number of facilities and related requests for self-certification and applications for Commission certification (with an estimated cost ranging from \$2,490 to \$74,700 per respondent).

document via the internet through the Commission's Home Page (<http://www.ferc.gov>). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19).

45. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

46. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202)502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

X. Effective Date and Congressional Notification

47. These regulations are effective April 5, 2021. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule is being submitted to the Senate, House, Government Accountability Office, and Small Business Administration.

List of Subjects in 18 CFR Part 292

Electric power plants, Electric utilities, Reporting and recordkeeping requirements.

By the Commission, Commissioner Clements is not participating.
Issued: December 17, 2020.

Kimberly D. Bose,
Secretary.

In consideration of the foregoing, the Commission amends part 292, chapter I, title 18, Code of Federal Regulations, as follows:

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

■ 1. The authority citation for part 292 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Amend § 292.202 by revising paragraphs (h)(2) and (3) and adding paragraph (h)(4) to read as follows:

§ 292.202 Definitions.

* * * * *

(h) * * * :

(2) That is used in a heating application (e.g., space heating, domestic hot water heating);

(3) That is used in a space cooling application (i.e., thermal energy used by an absorption chiller); or

(4) That is used by a fuel cell system with an integrated steam hydrocarbon reformation process for production of fuel for electricity generation.

* * * * *

[FR Doc. 2021-01988 Filed 2-3-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0035]

RIN 1625-AA00

Safety Zone; Power Plant Demolition; Grand River, Grand Haven, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters within 1400 feet of a demolition site near the eastern bank of the Grand River in Grand Haven, MI. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the controlled implosion of the J.B. Sims power plant. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: This rule is effective from 9:30 a.m. on February 5 through 10:30 a.m. on February 19, 2021. The rule will be enforced from 9:30 a.m. to 10:30 a.m. on both February 5 and February 19, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0035 in the "SEARCH" box, and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Petty Officer Jeromy Sherrill, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414-747-7148, email Jeromy.N.Sherrill@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 Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard not made aware of the intended demolition project until January 12, 2021, and immediate action is needed to mitigate potential safety hazards associated with the demolition process. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to public interest by inhibiting the Coast Guard's ability to protect against the known and anticipated hazards.

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**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to elapse would be impracticable because immediate action is needed to mitigate potential safety hazards associated with the controlled implosion of portion of the power plant adjacent to the Grand River.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port (COTP) Lake Michigan has determined that potential safety hazards associated with the demolition of the J.B. Sims power plant

will be a safety concern for anyone on navigable waters within 1400 feet of the demolition site. This work is scheduled to take place on February 5 and February 19, 2021, on the Grand River in Grand Haven, MI. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the structures are imploded.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:30 a.m. through 10:30 a.m. on February 5 and February 19, 2021. The safety zone will cover all navigable waters of the Grand River in Grand Haven, MI, within 1400 feet of the blast area located on the eastern bank of the river at coordinates 43.0705000° N, 086.2346667°. The date and time of the enforcement period will be announced by the COTP Lake Michigan by Broadcast Notice to Mariners. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the implosion of structures near the river. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the COTP or a designated representative.

V. Regulatory Analyses

We developed this 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. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance, it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the characteristics of the safety zone. The safety zone created by this rule will be relatively small and is designed to minimize its impact on navigable waters. This rule will prohibit entry into certain navigable waters of the Grand River in Grand Haven, MI,

and is not anticipated to exceed two 2-hour periods in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the COTP Lake Michigan.

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 rule will 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 V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 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.

Small businesses may send comments on the actions of federal employees who enforce, or otherwise determine compliance with, federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will 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 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 rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this 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 determined 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 rule involves a safety zone lasting for a total of 2 hours that will prohibit entry within 1400 feet of a blast area near the eastern bank of the Grand River for the demolition of sections of a power plant. It is categorically excluded from further

review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A 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.

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.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09-0035 to read as follows:

§ 165.T09-0035 Safety Zone; Power Plant Demolition; Grand River, Grand Haven, MI.

(a) *Location.* All navigable waters of the Grand River within 1400 feet of the blast area on the eastern bank of the river at coordinates 43.0705000° N, 086.2346667°.

(b) *Enforcement period.* The regulated area described in paragraph (a) is effective from 9:30 a.m. through 10:30 a.m. on February 5 and February 19, 2021.

(c) *Regulations.* (1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The “designated representative” of the COTP is any Coast Guard

commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the safety zone must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

Dated: February 1, 2021.

D.P. Montoro,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2021-02356 Filed 2-3-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AP88

Schedule for Rating Disabilities: Musculoskeletal System and Muscle Injuries; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: The Department of Veterans Affairs (VA) is making correcting amendments to the final rule published on November 30, 2020. The final rule amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities (“VASRD” or “rating schedule”) by revising the portion of the rating schedule that addresses the musculoskeletal system.

DATES: Effective February 7, 2021.

FOR FURTHER INFORMATION CONTACT: Gary Reynolds, M.D., Regulations Staff (211C), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-9700. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA is correcting its final rule, “RIN 2900-AP88; Schedule for Rating Disabilities: Musculoskeletal System and Muscle Injuries”, that was published on November 30, 2020, in the **Federal Register** at 85 FR 76453. The error is with the diagnostic code used to evaluate plantar fasciitis in schedule for ratings of the foot under the Schedule of Ratings for the Musculoskeletal System.

A new diagnostic code for plantar fasciitis was assigned in the final rule under diagnostic code 5285; however, this code was previously used to evaluate “vertebra, fracture of, residuals” and later “vertebral fracture or dislocation” in the General Rating Formula for Diseases and Injuries of the Spine in the Schedule for Rating for the spine until September 26, 2003 when it was moved under diagnostic code 5235, “vertebral fracture or dislocation.” See 68 FR 51454 and 67 FR 56509. Though vertebral fracture or dislocation is now evaluated using diagnostic code 5235, VA’s corporate database still uses historical diagnostic code 5285 to compensate veterans for residuals of fractures of the vertebra who have not yet been converted to the current diagnostic code 5235. In order to avoid any issues with the use of the new diagnostic code for plantar fasciitis under 5285 and the historical diagnostic code 5285 previously used to evaluate residuals of spinal fractures, VA assigns a new diagnostic code for plantar fasciitis under diagnostic code 5269. As such, we are also redesignating the entire entry for plantar fasciitis from diagnostic codes 5285 to 5269, though we are maintaining its location in § 4.71a in the table entitled “The Foot” between diagnostic codes 5284 and 5296.

Corrections

In FR Doc. 2020-25450 appearing on page 76453 in the **Federal Register** of Monday, November 30, 2020, the following corrections are made:

§ 4.71a [Corrected]

■ 1. On page 76460, in the third column, in § 4.71a, the text of amendatory instruction 2.e. “Adding the diagnostic code 5244 to the table entitled “The Spine” and the diagnostic code 5285 to the table entitled “The Foot”” is corrected to read “Adding the diagnostic code 5244 in numerical order to the table entitled “The Spine” and the diagnostic code 5269 in numerical order to the table entitled “The Foot””.

§ 4.71a [Corrected]

■ 2. On page 76464, in § 4.71a, the entry for diagnostic code 5269 is added and the entry for diagnostic code 5285 is removed to read as follows:

§ 4.71a Schedule of ratings—musculoskeletal system.

* * * * *

Jeffrey M. Martin,

*Assistant Director, Office of Regulation Policy
& Management, Office of the Secretary,
Department of Veterans Affairs.*

[FR Doc. 2021-01289 Filed 2-3-21; 8:45 am]

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Proposed Rules

Federal Register

Vol. 86, No. 22

Thursday, February 4, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 333, 335, and 390

RIN 3064–AF33

Transferred OTS Regulations Regarding Securities Offerings of State Savings Associations, Statement of Policy on the Use of Offering Circulars, Proposed Rulemaking Regarding Securities Offerings by State Nonmember Banks and State Savings Associations, and Other Technical Amendments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking and rescission of a statement of policy.

SUMMARY: In order to streamline Federal Deposit Insurance Corporation (FDIC) regulations and guidance, the FDIC proposes to rescind and remove from the Code of Federal Regulations (CFR) rules entitled *Securities Offerings* that were transferred to the FDIC from the Office of Thrift Supervision (OTS) on July 21, 2011, in connection with the implementation of Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The FDIC also is proposing to rescind its Statement of Policy Regarding the Use of Offering Circulars in Connection with the Public Distribution of Bank Securities, which provides a guide for a State nonmember banks and other institutions in the preparation of offering circulars. At the same time, the FDIC is proposing a new regulation regarding securities disclosures to be made by State nonmember banks and State savings associations (FDIC-supervised institutions). In so doing, the FDIC would create a unified scheme for securities disclosure requirements applicable to FDIC-supervised institutions. The proposal also would include technical amendments to update related regulations.

DATES: Comments must be received on or before April 5, 2021.

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

- **FDIC Website:** <https://www.fdic.gov/regulations/laws/federal/>. Follow instructions for submitting comments on the agency website.
- **Email:** Comments@fdic.gov. Include RIN 3064–AF33 on the subject line of the message.
- **Mail:** James P. Sheesley, Assistant Executive Secretary, Attention: Comments/RIN 3064–AF33, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- **Hand Delivery to FDIC:** Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street) on business days between 7 a.m. and 5 p.m.

Please include your name, affiliation, address, email address, and telephone number(s) in your comment. All statements received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. You should only submit information that you wish to make publicly available.

Please note: All comments received will be posted generally without change to <https://www.fdic.gov/regulations/laws/federal/>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Maureen Loviglio, Senior Staff Accountant, (202) 898–6777, mloviglio@fdic.gov, Division of Risk Management Supervision; Suzanne Dawley, Counsel, sudawley@fdic.gov; or Gregory Feder, Counsel, gfeder@fdic.gov, Legal Division.

SUPPLEMENTARY INFORMATION:

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I. Objectives

The objectives of the proposed rule are twofold. The first is to simplify the FDIC's regulations by removing unnecessary regulations, or realigning existing regulations in order to improve the public's understanding and to improve the ease of reference. The second is to promote parity between State nonmember banks and State savings associations by referring both classes of institution to the same securities offering regulation. Thus, as further detailed below in this Supplementary Information section, the FDIC proposes to rescind and remove from the CFR part 390, subpart W, applicable to State savings associations. At the same time, the FDIC proposes to rescind its current *Statement of Policy Regarding the Use of Offering Circulars in Connection with the Public Distribution of Bank Securities* (1996 Statement of Policy), and replace both part 390, subpart W and the 1996 Statement of Policy with a proposed regulation that will, among other things, incorporate changes in the securities laws and regulations that have occurred since the statement of policy was last updated in 1996 and ensure the principles therein are relevant to State savings associations. Additionally, the FDIC proposes to make technical amendments to existing regulations in order to update regulatory cross-references.

II. Background

A. FDIC's General Approach Regarding Securities Offerings of Supervised Institutions

Among other things, banks and savings associations may issue securities as part of organization

efforts;¹ as part of a capital raise,² including pursuant to an enforcement action;³ and to facilitate a conversion from a mutual to stock form of ownership.⁴ As more fully described below, generally, banks and savings associations are exempt from the securities disclosure requirements of the Securities Act of 1933 (Securities Act),⁵ although in certain circumstances State securities laws do require compliance with all or portions of these requirements. The issuance of securities by banks and savings associations is, however, subject to the antifraud provisions of the Federal securities laws, which require full disclosure of material facts necessary for an investor to make a determination to invest in securities offered for sale.⁶ From a safety and soundness perspective, serious capital loss or litigation could result if bank or savings association securities are sold in violation of the antifraud provisions of the Federal securities laws.

A securities issuance may require a registration statement and prospectus. If a securities issuance is exempt from registration or prospectus requirements, the issuer may be required to provide an offering document that contains varying informational and financial disclosures, depending on the exemption provision. The offering document can be used to comply with the antifraud provisions of the Securities Act. As more fully described below, the FDIC has not issued regulations regarding the content of registration statements and prospectuses, but rather, historically has provided supervisory guidance for FDIC-supervised institutions in the form of a policy statement to describe principles for preparing offering circulars.⁷ Chief among these principles

has been to refer FDIC-supervised institutions to Securities and Exchange Commission (SEC) and other agency regulations regarding the content of registration statements and prospectuses to assist them in complying with the antifraud provisions of the Securities Act. For the reasons described below, the FDIC is proposing to rescind the 1996 Statement of Policy and issue a regulation governing the securities offering disclosure requirements for FDIC-supervised institutions.

B. The Dodd-Frank Act

The Dodd-Frank Act,⁸ signed into law on July 21, 2010, provided for a substantial reorganization of the regulation of State and Federal savings associations and their holding companies. Beginning July 21, 2011, the transfer date established by section 311 of the Dodd-Frank Act,⁹ the powers, duties, and functions formerly performed by the OTS were divided among the FDIC, as to State savings associations, the Office of the Comptroller of the Currency (OCC), as to Federal savings associations, and the Board of Governors of the Federal Reserve System (FRB), as to savings and loan holding companies. Section 316(b) of the Dodd-Frank Act¹⁰ provides the manner of treatment for all orders, resolutions, determinations, regulations, and advisory materials issued, made, prescribed, or allowed to become effective by the OTS, providing that, if such materials were in effect on the day before the transfer date, they continue in effect and are enforceable by or against the appropriate successor agency until they are modified, terminated, set aside, or superseded in accordance with applicable law by such successor agency, by any court of competent jurisdiction, or by operation of law.

Pursuant to section 316(c) of the Dodd-Frank Act,¹¹ on June 14, 2011, the FDIC's Board of Directors (FDIC Board) approved a "List of OTS Regulations to be Enforced by the OCC and the FDIC Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act." This list was published by the FDIC and the OCC as a Joint Notice in the **Federal Register** on July 6, 2011.¹² Although section 312(b)(2)(B)(i)(II) of the Dodd-Frank Act¹³ granted the OCC rulemaking authority relating to both State and Federal savings associations,

nothing in the Dodd-Frank Act affected the FDIC's existing authority to issue regulations under the Federal Deposit Insurance Act (FDI Act)¹⁴ and other laws as the "appropriate Federal banking agency" or under similar statutory terminology. Section 312(c)(1) of the Dodd-Frank Act revised the definition of "appropriate Federal banking agency" contained in section 3(q) of the FDI Act,¹⁵ to add State savings associations to the list of entities for which the FDIC is designated as the "appropriate Federal banking agency." As a result, when the FDIC acts as the designated "appropriate Federal banking agency" (or under similar terminology) for State savings associations, as it does here, the FDIC is authorized to issue, modify, and rescind regulations involving such associations.

As noted, on June 14, 2011, operating pursuant to this authority, the FDIC Board reissued and re-designated certain transferring regulations of the former OTS. These transferred OTS regulations were published as new FDIC regulations in the **Federal Register** on August 5, 2011.¹⁶ When it republished the transferred OTS regulations as new FDIC regulations, the FDIC specifically noted that its staff would evaluate the transferred OTS rules and might later recommend incorporating the transferred OTS regulations into other FDIC rules, amending them, or rescinding them, as appropriate.¹⁷

C. The Securities Act

The Securities Act generally exempts securities issued by banks from its provisions.¹⁸ Similarly, securities issued by certain savings institutions supervised and examined by State or Federal regulators with examination and supervision authority are also exempt from most Securities Act requirements.¹⁹ However, bank- and

¹ See 12 U.S.C. 1815; 12 CFR part 303, subpart B.

² See 12 U.S.C. 1831o; 12 CFR part 324.

³ See 12 U.S.C. 1818.

⁴ See 12 CFR 333.4; 12 CFR part 303, subpart I.

⁵ Public Law 73-22, 48 Stat. 74, 15 U.S.C. 77a *et seq.* Holding companies for banks and thrifts are not exempt from the Securities Act. As of June 30, 2020, of the 3,264 insured institutions supervised by the FDIC, 2,637 have holding companies and 627 do not.

⁶ See 15 U.S.C. 77q(c), which makes it unlawful in connection with the offer of a security: "(a) To employ any device, scheme, or artifice to defraud; (b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (c) To engage in any act, practice, or course of business which operates or would operate as a fraud of deceit upon any person, in connection with the purchase or sale of any security."

⁷ See, e.g., FDIC Statement of Policy, "Use of Offering Circulars in Connection with Public Distribution of Bank Securities," September 5, 1996, (61 FR 46087, Sept. 5, 1996) (available at

<https://www.fdic.gov/regulations/laws/rules/5000-500.html#fdic5000statementop>).

⁸ Public Law 111-203, 124 Stat. 1376 (2010).

⁹ 12 U.S.C. 5411.

¹⁰ 12 U.S.C. 5414(b).

¹¹ 12 U.S.C. 5414(c).

¹² 76 FR 39246 (July 6, 2011).

¹³ 12 U.S.C. 5412(b)(2)(B)(i)(II).

¹⁴ 12 U.S.C. 1811 *et seq.*

¹⁵ 12 U.S.C. 1813(q).

¹⁶ 76 FR 47652 (Aug. 5, 2011).

¹⁷ *Id.*

¹⁸ See 15 U.S.C. 77c(a)(2) ("Except as hereinafter expressly provided, the provisions of [the Securities Act] shall not apply to any of the following classes of securities: . . . (2) Any security issued or guaranteed by . . . any bank; . . . or any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term "investment company");

¹⁹ See *id.* at 77c(a)(5)(A), ("Except as hereinafter expressly provided, the provisions of [the Securities Act] shall not apply to any of the following classes of securities: (5) Any security issued (A) by a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution . . ."); see Public Law 91-547, sec. 27(c), 84 Stat. 1434 (1970) (requiring that the institution be supervised and examined by a State

savings association-issued securities are not exempt from the general antifraud provisions of the Securities Act.²⁰

The original exemption in section 3(a)(5) of the Securities Act exempted an institution “substantially all the business of which is confined to the making of loans to members. . . .”²¹ However, in 1970, the law was amended to require an exempted institution to be supervised and examined by a State or Federal supervisory authority.²² Lawmakers intended the oversight provided by State and Federal banking regulators to serve as an alternative to oversight by the SEC.

Legislative history of the Securities Act supports this assertion.²³ In explaining why the 1933 bill did not cover bank-issued securities, Representative Rayburn explained, “[b]ecause the United States Government, through its examiners and State officials, is supervising these banks, and it has been complained that we are going into fields where we had no business.”²⁴

D. OTS Offering Circular Regulations at 12 CFR Part 563g

In 1985, the Federal Home Loan Bank Board (FHLBB) adopted the original predecessor rule to part 390, subpart W, the rules codified at 12 CFR part 563g, to “regulate an area of thrift activity currently left unregulated by an exemption in the Securities Act for securities issued by regulated thrift institutions.”²⁵ The FHLBB determined that uniform disclosure requirements were necessary to address the risk “that securities offerings without uniform disclosure requirements would have a negative effect on the ability of institutions to raise capital and a concomitant adverse effect on the safety and soundness of such institutions and

the [Federal Savings and Loan Insurance Corporation (FSLIC)].”²⁶

In explaining the impetus for part 563g, the FHLBB cited Louis D. Brandeis’ endorsement of full disclosure: “sunlight is said to be the best of disinfectants.”²⁷ In additional explanations for promulgating part 563g, the FHLBB cited section 3(a)(2) of the Securities Act and stated that the main reason for the exemption of securities issued by savings and loans associations and similar institutions is that the principal Federal authority, rather than the SEC, should regulate such activity.²⁸ As such, the FHLBB determined it was appropriate to promulgate securities disclosure regulations to protect the public, as well as the FSLIC fund.²⁹

In 1989, the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) transferred authority to regulate savings associations from the FHLB System and the FSLIC to the OTS.³⁰ FIRREA required the OTS to adopt and publish the FHLBB regulations and transfer the regulations to the OTS as the thrift regulatory authority designated by FIRREA.³¹ The OTS transferred and republished part 563g in 1989 with minor changes.³² Obsolete exceptions from offering circular requirements were removed, the definition of “savings association” was added, the definition of “insured institution” was removed, and language on what constitutes an unsafe and

unsound practice was clarified.³³ Beyond these minimal changes, the OTS transferred part 563g from the FHLBB without substantive discussions on policy.

E. Part 390, Subpart W

As discussed above in section II.B. of this Supplementary Information section, the Dodd-Frank Act transferred the functions, powers, and duties of the former OTS relating to State saving associations to the FDIC, and named the FDIC as the “appropriate Federal banking agency” for State saving associations.³⁴ In 2011, the FDIC transferred all regulations of the former OTS applicable to State savings associations from 12 CFR chapter V to 12 CFR chapter III.³⁵

Part 563g of the former OTS’s regulations addressed securities offerings.³⁶ The FDIC transferred the rules in part 563g with only technical revisions to part 390, subpart W.³⁷ For part 390, subpart W, the FDIC removed references to Federal savings associations as well as the enforcement provisions of the Home Owners’ Loan Act (HOLA).³⁸ The FDIC’s reasons for rescinding part 390, subpart W at this time are discussed in section III of this Supplementary Information section, below.

F. FDIC-Proposed Securities Disclosure Regulations and Previously Adopted Statements of Policy

Issuance of securities for FDIC-supervised institutions generally is addressed by State securities laws and regulations, which until fairly recently have required State-chartered institutions to follow SEC regulations. In May of 1974, the FDIC proposed a regulation that would have required State nonmember banks issuing securities to comply with disclosure and offering-circular requirements.³⁹ The FDIC reissued the proposal in 1977 for comment with changes based on the FDIC’s experience reviewing offering circulars voluntarily submitted by State nonmember banks.⁴⁰ The re-proposed regulation would have established “minimum standards for disclosure of material facts in connection with the offer and sale by or on behalf of an insured State nonmember bank of securities issued by the bank where such offer and sale meet the criteria

or Federal supervisory authority to qualify for the exemption).

²⁰ See footnote 6.

²¹ See Public Law 91–547, sec. 27(c), 84 Stat. 1434 (1970) (amended to require that the institution be supervised and examined by a State or Federal supervisory authority to qualify for the exemption).

²² *Id.*

²³ See e.g., Hearings before the Senate Comm. on Banking and Currency on S. 875, 73d Cong., 1st Sess. 99 at 76 (1933) (Mr. Thompson explaining that banks should be exempted from securities regulations because other regulators provide the necessary oversight: “But when it comes to supervision of anything that has to do with Federal Reserve banks . . . or rather, that they investigate and control in the sense of the issuance of securities, then so far as the surveillance of this bill is concerned we exempted them.”).

²⁴ 77 Cong. Rec. 2941 (1933) (remarks of Rep. Rayburn); cf. *id.* at 2942 (remarks of Rep. Cannon: “[the banks] are not properly supervised . . . with respect to the sale of their securities.”).

²⁵ 50 FR 53284 (Dec. 31, 1985).

²⁶ *Id.* at 53284–85. At the time, the FHLBB was the operating head of the FSLIC.

²⁷ *Id.* at 53285 (also citing Professor Louis Loss, “people who are forced to undress in public will presumably pay some attention to their figures.”).

²⁸ 50 FR 38839, 38840 (Sept. 24, 1985).

²⁹ *Id.* (“The use of inadequate or misleading disclosure by individual insured institutions in connection with the offer and sale of securities could have a significant adverse effect on the capabilities of other insured institutions to raise capital, could result in an irrational allocation of capital within the industry, and could lead to illiquid and disorderly markets for the securities of insured institutions. Therefore, the [FHLBB] Board has the responsibility of regulating the securities activities of insured institutions when it determines that such regulation is necessary or appropriate for the preservation of the safety and soundness of insured institutions. Further, the [FHLBB] Board has the responsibility of regulating the securities activities of insured institutions when it determines that such regulation is necessary or appropriate to ensure that they are able to perform their functions as providers of housing finance. Finally, the [FHLBB] Board has the responsibility of regulating the securities activities of all insured institutions with a class of securities registered under the Exchange Act when it determines that such regulation is necessary or appropriate in the public interest for the protection of investors and to ensure fair dealing in the securities of such insured institutions.”).

³⁰ Pub. L. 101–73, 103 Stat. 183 (1989).

³¹ *Id.*; 54 FR 49411 (Nov. 30, 1989).

³² 54 FR at 49417.

³³ *Id.*

³⁴ 76 FR 47652 (Aug. 5, 2011).

³⁵ *Id.* at 47653.

³⁶ *Id.* at 47654.

³⁷ *Id.*

³⁸ *Id.* at 47654.

³⁹ See 39 FR 7434 (Feb. 26, 1974).

⁴⁰ See 42 FR 27955 (June 1, 1977).

specified in the regulation.”⁴¹ The FDIC noted that sufficient disclosure to enable a purchaser to make an informed investment decision is a requirement of the antifraud provisions from which banks are not exempt.⁴² Furthermore, a State nonmember bank’s failure to comply with the securities antifraud provisions could result in a violation of the law and warrant an enforcement action by the FDIC.⁴³

In proposing the regulation, the FDIC referenced sections 5 and 6 of the FDI Act,⁴⁴ which require the FDIC Board to consider the adequacy of a bank’s capital structure.⁴⁵ The FDIC explained that the review of an application by a State nonmember bank that has issued securities or proposes to issue securities should include a review of the associated disclosures of material facts to ensure such disclosures are sufficient.⁴⁶ Additionally, the FDIC noted that the OCC had already adopted similar disclosure requirements at 12 CFR part 16.⁴⁷

The FDIC subsequently withdrew the proposed disclosure regulations on July 6, 1979.⁴⁸ In explaining its decision to withdraw, the FDIC noted that proposal had been public without being acted upon for a long time, and that many State nonmember banks already were complying voluntarily.⁴⁹ Additionally, the FDIC argued that the OCC’s securities offering disclosure rules⁵⁰ and the SEC’s Regulation A⁵¹ provided adequate direction that State nonmember banks could rely on in preparing offering materials with adequate content and proper format.⁵² In keeping with the “FDIC’s policy favoring the shortening and simplification of its regulatory requirements wherever possible,” the FDIC withdrew the proposed part 340 securities disclosure regulation.⁵³

⁴¹ *Id.* at 27955 (noting that securities issued by a bank are exempt from the registration and prospectus-delivery provisions of the Securities Act but “they are subject to the general antifraud provisions of Section 17(a) of that Act (15 U.S.C. 77q(a)) and Rule 10b–5 of the Securities and Exchange Commission (SEC) (17 CFR 240.10b–5) promulgated under Section 10(b) of the Exchange Act (15 U.S.C. 78j (b)). See *Lehigh Valley Trust Co. v. Central National Bank of Jacksonville*, 409 F.2d 989 (5th Cir. 1969).”).

⁴² 42 FR at 27995.

⁴³ *Id.* at 27995 (citing 12 U.S.C. 1818(b)).

⁴⁴ 12 U.S.C. 1815, 1816.

⁴⁵ *Id.* at 27956.

⁴⁶ *Id.*

⁴⁷ *Id.* (citing 12 CFR part 16, which remains in force).

⁴⁸ 44 FR 39469 (July 6, 1979).

⁴⁹ *Id.*

⁵⁰ 12 CFR part 16.

⁵¹ 17 CFR 230.251 through 230.263.

⁵² 44 FR 39469.

⁵³ *Id.*

In its stead, on the same day that the proposed part 340 was withdrawn, the FDIC published a statement of policy, the *Statement of Policy Regarding the Use of Offering Circulars* (1979 Statement of Policy).⁵⁴ The 1979 Statement of Policy was “applicable to the offering of securities by insured State nonmember banks and banks in organization which intend to apply for Federal deposit insurance.”⁵⁵ The 1979 Statement of Policy recognized the FDIC’s statutory duty to determine capital adequacy and stated that its purpose was “to protect insured State nonmember banks against possible serious capital losses or insolvency that could result if bank securities are sold in violation of the antifraud provisions of the Federal securities laws.”⁵⁶ The 1979 Statement of Policy provided a list of information that offering circulars prepared by an insured State nonmember bank should include but noted that the FDIC would not impose the burden of filing and awaiting regulatory approval.⁵⁷ The FDIC also suggested that State nonmember banks requiring additional guidance look to the OCC’s regulations at 12 CFR part 16.⁵⁸

In 1996, the FDIC published a new statement of policy, the *Statement of Policy Regarding the Use of Offering Circulars in Connection with the Public Distribution of Bank Securities* (1996 Statement of Policy), to address the changing laws and standards and needs of the industry.⁵⁹ Among other things,

⁵⁴ 44 FR 39381 (July 6, 1979).

⁵⁵ *Id.*

⁵⁶ *Id.* at 39382.

⁵⁷ *Id.* The FDIC stated that it believed the following information, as applicable, should be included in the offering circular of a State nonmember bank: (1) The name, address, principal place of business and telephone number of the issuing bank; (2) the amount and title of the securities being offered; (3) the offering price and proceeds to the bank on a per share and aggregate basis; (4) the plan and cost of distribution; (5) the reason for the offering and the purposes for which the proceeds are to be used, and a brief description of the material risks, if any, involved in the purchase of the securities; (6) a description of the present and proposed business operations of the bank and its capital structure; (7) the principal officers, directors and principal security holders and the amount of securities owned by each; (8) the remuneration and interest in recent or proposed transactions of management and principal security holders and their associates; (9) the high and low sales prices of the securities within the past two years and the source of the quotations; (10) a brief description of any material pending legal proceedings; (11) a summary of any material terms and restrictions applicable to the securities; and (12) Financial Statements: a balance sheet as of the preceding fiscal year end; statements of income for the preceding two fiscal years and interim periods where necessary; notes to financial statements; and schedules of the allowance for possible loan losses. *Id.*

⁵⁸ *Id.*

⁵⁹ See footnote 7.

the 1996 Statement of Policy included enhanced disclosures for mutual-to-stock conversions and sales of a bank’s securities on bank premises.⁶⁰ In the 1996 update, the FDIC recognized that certain States are also involved in the regulation of securities offered by insured State nonmember banks.

III. The Proposal To Rescind and Remove the Transferred OTS Securities Offerings Regulations, To Rescind the FDIC’s Statement of Policy, To Propose a New Regulation, and To Make Other, Technical Amendments

After careful review of part 390, subpart W, the FDIC has determined that the FDIC should rescind subpart W, which is applicable only to State savings associations, rescind the FDIC’s 1996 Statement of Policy, propose a new regulation governing securities offering disclosures, and make other, technical amendments to certain FDIC regulations⁶¹ to revise regulatory references.

A. Rescission of Part 390, Subpart W

The FDIC does not believe it is necessary to treat State savings associations differently than State nonmember banks with respect to public disclosure in connection with securities issuances. Replacing part 390, subpart W with a new regulation that applies to all FDIC-supervised institutions will ensure that the same regulations apply to both State savings associations and State nonmember banks with regard to registration statements, prospectuses, and other securities law matters, without creating excess burden on either type of insured financial institution. The new requirements (discussed below in section III.C. of this Supplementary Information section) are consistent with both the requirements of part 390, subpart W and with the principles set forth in the 1996 Statement of Policy. A regulation, rather than a statement of policy, is appropriate because the FDIC’s long-term experience has been that FDIC-supervised institutions are either required to follow SEC disclosure regulations by State law or voluntarily follow them and other applicable regulations as a means to comply with the Federal antifraud provisions. In the interests of regulatory transparency, the proposed regulation will make clear the FDIC’s expectations for disclosures to be made in connection with the issuance of securities by FDIC-supervised institutions.

⁶⁰ *Id.* at 46807–08.

⁶¹ 12 CFR 303.163, 333.4, part 335.

Therefore, the FDIC proposes to rescind and remove part 390, subpart W, and replace it with the proposed regulation, addressing securities offering disclosure requirements.

B. Rescission of the 1996 Statement of Policy

Since the 1996 Statement of Policy was adopted, the Securities Act was revised⁶² and the SEC issued new regulations,⁶³ State laws applicable to certain securities offerings of FDIC-supervised institutions were rescinded, and the FDIC received supervisory authority over State savings associations. Rescinding part 390, subpart W and the 1996 Statement of Policy provides the FDIC with an opportunity to bring FDIC-supervised institutions' regulations into harmony with current securities laws and regulations, to address the preemption of State law, and to locate in one place the FDIC's expectations regarding FDIC-supervised institutions.

C. Proposed Regulation on Securities Offering Disclosures

In light of the Securities Act exemptions discussed above in section II.C. of this Supplementary Information section, the FDIC has relied on State laws and regulations for securities disclosure matters. However, changes to the Federal securities laws have resulted in the rescission of much of the applicable State law. The National Securities Markets Improvement Act of 1996 (NSMIA) preempted state authority in two areas that impacted the FDIC: Offerings by companies traded on a national securities exchange,⁶⁴ and certain exempt offerings under SEC Rule 506.⁶⁵ Furthermore, the Jumpstart Our Business Startups Act (JOBS Act),⁶⁶ as implemented by SEC regulation,

preempted State registration authority over additional offerings under the amended and expanded SEC "Regulation A+" rules.⁶⁷

Notwithstanding the preemption of State law, it has been the FDIC's experience that FDIC-supervised institutions follow SEC regulations voluntarily in order to comply with the anti-fraud provisions. However, given the recent regulatory changes and preemption of State law, the FDIC is proposing a regulation to address and clarify the requirements for securities offering disclosures by State nonmember banks and State savings associations. Similar to the 1996 Statement of Policy, the amended regulation parallels the requirements of the applicable SEC and OCC regulations. The proposed regulation would be located in subpart A of part 335 of the FDIC's regulations.⁶⁸

The proposed regulation would refer to these updated laws and regulations and also would acknowledge that under Section 312(b)(2)(B)(i)(II) of the Dodd-Frank Act,⁶⁹ granting the OCC rulemaking authority relating to both State and Federal savings associations, a mutual State savings association that intends to use a securities offering in connection with a stock offering as part of its conversion to the stock form is by law subject to the disclosure and other requirements of part 192 of the OCC regulations, entitled *Conversions from Mutual to Stock Form*.⁷⁰ The proposed regulation would indicate that the principles described therein also would be relevant for subsidiaries of State savings associations that issue securities and would add SEC Rule 144⁷¹ and Rule 144A⁷² to the list of potentially relevant Federal regulations for FDIC-supervised institutions to reference. Rules 144 and 144A provide guidance for persons who are not deemed to be engaged in a distribution and therefore are not underwriters, and for private resales of securities to institutions.

The proposed regulation would apply to securities offerings to be made by

FDIC-supervised institutions in organization, FDIC-supervised institutions subject to an enforcement order that intend to issue securities, and FDIC-supervised institutions converting from a mutual to stock form of ownership. The proposed regulation would also apply to securities offerings made by the subsidiaries of State savings associations in any of the three prior scenarios.

The proposed regulation would incorporate defined terms from the Securities Act, would specifically reference SEC and OCC requirements for, and exemptions from, preparing registration statements and prospectuses, would set forth rules for offers and sales of securities by issuers, underwriters, and dealers, and would impose no new filing or other requirements on FDIC-supervised institutions. Thus, the proposed regulation eschews a recitation of the required contents of offering documents covering the securities issuances of FDIC-supervised institutions and instead requires that offering documents contain the information that would be required by the appropriate SEC form when offering securities for sale, if filing or registration were required under the Federal securities laws, and the information that would be required under the appropriate registration exemption if one applies. The proposed regulation thus seeks to treat the securities offerings of FDIC-supervised institutions more like those of other corporations falling under SEC jurisdiction and to eliminate a duplicative system of regulations and forms.

The proposed regulation also would provide requirements regarding sales practices on the premises of the issuing FDIC-supervised institution or online, and would require legends to avoid consumer confusion regarding the insured status of banking organization securities.

Consistent with existing authorities and supervisory practices, and to assess compliance with Federal antifraud provisions, the FDIC will continue to review offering documents issued by FDIC-supervised institutions in connection with FDIC-supervised institutions in organization, FDIC-supervised institutions subject to an enforcement order that intend to issue securities, and FDIC-supervised institutions converting from a mutual to stock form of ownership. Such offering circulars would be required to contain the forms and other content required by the registration exemption upon which the FDIC-supervised institution relies. The proposed rule would permit an

⁶² See, e.g., the Jumpstart Our Business Startups Act (JOBS Act), Public Law 112-106, 126 Stat. 306 (Apr. 5, 2012), which amends certain provisions of the Securities Act to exempt certain securities offerings from registration requirements.

⁶³ See 80 FR 21806, 21856 (Apr. 20, 2015) (<https://www.sec.gov/rules/final/2015/33-9741.pdf>, pp. 205-207) for a discussion on how SEC regulations relationship with State securities laws and preempt certain State registration requirements with respect to companies offering securities under SEC Regulation A, Tier 2.

⁶⁴ 15 U.S.C. 77r(b)(1)(B) (preempting state registration authority over a security "listed, or authorized for listing, on a national securities exchange").

⁶⁵ 15 U.S.C. 77r(b)(3) (preempting state registration authority over the "offer or sale of the security to qualified purchasers, as defined by the Commission by rule"). Regulation D relates to transactions exempted from the registration requirements of section 5 of the Securities Act, 15 U.S.C. 77d, and is codified at 17 CFR 230.500 through 230.508.

⁶⁶ Public Law 112-106, 126 Stat. 306 (April 5, 2012).

⁶⁷ See Amendments to Regulation A, Release Nos. 33-9741, 34-74578, 39-2501, 80 FR 21806 (Apr. 20, 2015), 17 CFR 230.251 through 230.263.

⁶⁸ Part 335, entitled *Securities of State Nonmember Banks and State Savings Associations*, addresses securities recordkeeping and requirements. The proposed regulation would create subpart B to contain the existing regulations of part 335 and create subpart A to contain the new proposed regulation relating to securities offering disclosures.

⁶⁹ 12 U.S.C. 5412(b)(2)(B)(i)(II).

⁷⁰ See 12 CFR 192.300-192.310. This includes the restrictions on the officers and directors' sale of stock post-conversion. 12 CFR 192.505.

⁷¹ 17 CFR 230.144.

⁷² 17 CFR 230.144A.

FDIC-supervised institution to commence its securities offering upon receiving a written statement from the FDIC that no additional information or changes to the offering documents are necessary. Such offerings would have to be completed within the timeframe required by the appropriate SEC regulation, or a timeline imposed by the FDIC, including those related to the staleness of financial statements.

The proposed regulation is set forth at the end of this Supplementary Information section.

D. Technical Regulatory Amendments

1. Mutual-to-Stock Conversions

The FDIC also is proposing to make technical amendments to §§ 303.163 and 333.4 of its regulations, which address the conversion of an insured mutual state-chartered savings bank to the stock form of ownership. As described above in section II.D. of this Supplementary Information section, the former OTS issued regulations relating to mutual-to-stock conversions, part 563b, which was transferred to the OCC with respect to Federal and State savings associations as part of the Dodd-Frank Act. Sections 303.163 and 333.4 refer to the OTS when the reference should be to the OCC. Section 303.163 also refers to part 563b when the reference should be to the OCC's regulations at 12 CFR part 192. This proposal would make the necessary technical amendments.

2. Part 335

Part 335, entitled *Securities of State Nonmember Banks and State Savings Associations*, addresses securities recordkeeping and requirements and there are no subparts enumerated. The proposal would create subpart B to contain the existing regulations of part 335 and create subpart A to contain the new proposed regulation relating to securities offering disclosures.

E. Request for Comments

The FDIC invites comments on all aspects of this proposed action, and specifically invites comments on the following:

Question 1. What positive or negative impacts, if any, can you foresee in the FDIC's proposal to issue an amended regulation with respect to securities offering disclosures?

Question 2. What negative impacts, if any, can you foresee in the FDIC's proposal to rescind part 390, subpart W and remove it from the Code of Federal Regulations?

Question 3. What negative impacts, if any, can you foresee in the FDIC's

proposal to remove and rescind the Statement of Policy Regarding the Use of Offering Circulars in Connection with the Public Distribution of Bank Securities (1996 Statement of Policy)?

Question 4. Are the descriptions of the form and content requirements in the proposed regulation adequately descriptive? Would additional information or other references (e.g., to other regulations) be helpful? If so, what?

Question 5. Are the procedures regarding the confidential treatment of registrations statement and prospectuses adequate? Would a more specific description be helpful?

Question 6. Is the proposed treatment of the securities offerings of State savings association subsidiaries appropriate? If not, what changes should be made?

IV. Expected Effects

As previously discussed, the proposed rule would rescind Part 390, Subpart W which outlines public disclosure requirements in connection with securities issuances for State savings associations, make technical amendments to §§ 303.163 and 333.4, and establish a new regulation part 335, subpart B which outlines regulations relating to securities offering disclosures for all FDIC-supervised institutions. Concurrent with the adoption of these changes the FDIC plans to rescind its 1996 Statement of Policy. These actions would affect all FDIC-supervised institutions, particularly those that engage in issuing securities. According to the most recent data, the FDIC supervises 3,270 insured depository institutions.⁷³ Therefore, the FDIC estimates that the proposed rule, if adopted, potentially would affect 3,270 institutions. However, the new regulation part 335, subpart A would only directly affect FDIC-supervised institutions that issue offering documents. The FDIC does not currently have access to information that would facilitate an accurate estimate the number of institutions that will issue offering documents. To estimate the number of FDIC-supervised institutions that could be directly affected, staff utilized Call Report data to determine the average number of cooperative banks, cooperative banks with stock ownership, mutual commercial banks, mutual savings and loan associations, mutual savings banks, savings and loan associations with stock ownership, savings banks with stock ownership, and de novo institutions, in existence at

year-end over the past five years.⁷⁴ Based on this analysis, the FDIC estimates that 376 institutions would be directly affected by the rescission of the 1996 Statement of Policy and establishment of the new regulation part 335, subpart A.

The proposed rule, if adopted, would rescind part 390, subpart W. However, this aspect of the proposed rule is unlikely to substantively affect FDIC-supervised State savings associations. According to the most recent data, the FDIC supervised 35 State savings associations.⁷⁵ Sections 390.410 through 390.430 include requirements that prescribe definitions, public accountant qualifications, and set forth the form and content of financial statements pertaining to certain securities and their related transaction documents. As previously discussed, the FDIC's experience has been that FDIC-supervised institutions are either required to follow SEC disclosure regulations by State law or voluntarily follow them and other applicable regulations as a means to comply with the Federal antifraud provisions. Although the contents of part 390, subpart W being rescinded are more detailed than the contents of the proposed amended regulation, the new regulation part 335, subpart A is consistent with both the requirements of part 390, subpart W and the guidance in the 1996 Statement of Policy. Therefore, the FDIC believes that the proposed rule is unlikely to substantively affect FDIC-supervised State savings associations.

The establishment of a new regulation, part 335, subpart A by the proposed rule would pose several broad effects on FDIC-supervised institutions. As previously discussed, the proposed part 335, subpart A is consistent with both the requirements of part 390, subpart W and the guidance in the 1996 Statement of Policy. Therefore, the primary effect of the proposed rule is to codify in regulation what was previously guidance for FDIC-supervised institutions that are not State savings associations. Since the proposed rule largely harmonizes the FDIC's regulations with updated laws and regulations, the FDIC does not believe that the marginal effect of adopting part 335, subpart A will be significant for FDIC-supervised institutions that are not State savings associations. This aspect of the proposed rule has the benefit of simplifying and harmonizing FDIC regulations by establishing a consistent set of requirements that apply

⁷⁴ Call Report data for the quarter ending December 31 in 2015–2019.

⁷⁵ Call Report data, June 30, 2020.

⁷³ Call Report data, June 30, 2020.

to all FDIC-supervised institutions. Further, this aspect of the proposed rule is likely to benefit FDIC-supervised institutions by treating the securities offerings of FDIC-supervised institutions more like those of other corporations and eliminating a duplicative system of regulations and forms. If the proposed rule were adopted, the establishment of a new regulation part 335, subpart A would pose some disclosure costs for entities directly affected by the proposed rule. However, because part 335, subpart A is consistent with the 1996 Statement of Policy, the concurrent rescission of the 1996 Statement of Policy means there is no net change in disclosure for FDIC-supervised institutions. Finally, this aspect of the proposed rule could pose regulatory costs for FDIC-supervised institutions associated with potentially reviewing and revising existing internal processes and procedures for compliance with applicable disclosure regulations. However, because the number of directly affected FDIC-insured institutions is estimated to be relatively small, the FDIC believes at any such regulatory costs are also likely to be relatively small.

The technical amendments to 12 CFR 303.163 and 12 CFR 333.4 are expected to clarify those regulations but not pose any substantive effect for FDIC-supervised institutions.

Finally, the FDIC believes that the proposed rule, if adopted will benefit FDIC-supervised institutions and the public by clarifying regulations and improving the ease of reference.

V. Alternatives

The FDIC has considered alternatives to the rule but believes that rescinding part 390, subpart W, rescinding the 1996 Statement of Policy, adopting part 335, subpart A, and making technical amendments to the FDIC's regulations represent the most appropriate option for FDIC-supervised institutions. As discussed previously, the Dodd-Frank Act transferred certain powers, duties, and functions formerly performed by the OTS to the FDIC. The FDIC's Board reissued and re-designated certain transferred regulations from the OTS, but noted that it would evaluate them and might later incorporate them into other FDIC regulations, amend them, or rescind them, as appropriate. The FDIC

has evaluated the existing regulations relating to securities offerings of State savings associations. The FDIC considered the status quo alternative of retaining the current regulations and 1996 Statement of Policy, but chose not to do so. If the FDIC did not rescind part 390, subpart W, then State savings associations would be subject to an outdated and obsolete set of regulations while State nonmember banks would be referred to the 1996 Statement of Policy, which does not take into account subsequent changes in securities laws and regulations. Therefore, the FDIC believes maintaining the status quo would not be an acceptable option, and is proposing to rescind part 390, subpart W, to rescind the 1996 Statement of Policy, to adopt part 335, subpart A to incorporate securities offerings requirements for issuers, underwriters and dealers of securities of FDIC-supervised institutions, and to make technical amendments to existing regulations.

Another alternative available to the FDIC was to apply the regulations in part 390, subpart W to all FDIC-supervised institutions, but the FDIC chose not to do so. The FDIC believes it is important for there to be a consistent set of securities offering disclosure regulations for all FDIC supervised institutions that is reflective of updated laws and regulations, and the regulations in part 390, subpart W do not meet this standard. As noted previously, based on supervisory experience, the FDIC has found that FDIC-supervised institutions are either required to follow SEC disclosure regulations by State law or voluntarily follow them and other applicable regulations as a means to comply with the Federal antifraud provisions.⁷⁶

Question 7. The FDIC invites comments on all aspects of the expected effects and alternatives analysis. In particular, would the amended regulation have any costs or benefits to covered entities that the FDIC has not identified?

VI. Regulatory Analysis and Procedure

A. The Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA),⁷⁷ the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information

collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The rescission and removal from FDIC regulations of part 390, subpart W and the rescission of the 1996 Statement of Policy do not create new or modify existing information collection requirements. However, certain provisions of the proposed rule contain "collection of information" requirements within the meaning of the PRA of 1995. In accordance with the requirements of the PRA, the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for *Securities of State Nonmember Banks and State Savings Associations* is 3064-0030 and will be extended, with revision.

Current Action

Estimated Annual Number of Respondents and Responses

The set of potential respondents include all. State nonmember banks and State savings associations. According to recent Call Report data, the FDIC supervises approximately 3,270 insured depository institutions,⁷⁸ including 2,492 entities considered small for purposes of the Regulatory Flexibility Act.⁷⁹ However, the proposed rule would only directly apply to FDIC-supervised institutions that issue offering documents.⁸⁰ The FDIC does not currently have access to information that would enable it to precisely estimate the number of FDIC-supervised institutions that will issue offering documents. To estimate the number of respondents to this information collection, the FDIC has utilized Call Report data to determine the average number of cooperative banks, cooperative banks with stock ownership, mutual commercial banks, mutual savings and loan associations, mutual savings banks, savings and loan associations with stock ownership, savings banks with stock ownership, and de novo institutions, in existence at year-end over the past five years. The FDIC estimates that 376 institutions will respond to the disclosure requirements in the proposed rule.

⁷⁶ If in the future the FDIC determines that enforceable regulations are required to ensure safe and sound practices at FDIC-supervised institutions, then that option will be available.

⁷⁷ 44 U.S.C. 3501-3521.

⁷⁸ FDIC Call Reports, June 30, 2020.

⁷⁹ The SBA defines a small banking organization as having \$600 million or less in assets, where an

organization's "assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See 13 CFR 121.201 (as amended by 84 FR 34261, effective August 19, 2019). In its determination, the "SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates." See 13 CFR

121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is "small" for the purposes of RFA.

⁸⁰ The proposed rule would not apply to offering documents issued by an FDIC-supervised institution's holding company.

Charter and ownership type	Year-end period					5-yr avg
	12/31/15	12/31/16	12/31/17	12/31/18	12/31/19	
Cooperative Bank	21	18	17	16	16	.....
Cooperative Bank—Stock	10	10	9	8	5	.....
Mutual Commercial Bank				12	11	.....
Mutual Savings & Loan	37	37	34	22	22	.....
Mutual Savings Bank	158	152	142	136	131	.....
Savings & Loan Association—Stock	11	10	10	14	14	.....
Stock Savings Bank	166	163	158	147	137	.....
De novo Banks	1	0	5	8	14	.....
Total	404	390	375	363	350	376.4

Source: FDIC

Estimated Time Per Response

The FDIC estimates that respondents will incur 114 labor hours on average, complying with the disclosure requirements of the proposed rule. The FDIC reviewed burden estimates for Regulation A⁸¹ and registered offerings from the SEC, requirements of the proposed rule, and also considered information that is provided to the FDIC and ERISA and other regulatory agencies in the ordinary course of business. The FDIC also considered experience with other types of filings

that occur. The FDIC estimates that, of the 376 potential filings, 23 percent are likely to be associated with Regulation D, which may be estimated at 100 hours, 65 percent are likely to be associated with Regulation A, which may be estimated at 120 hours, and 10 percent are likely to be associated with employee stock plans, which may be estimated at 100 hours, and finally, registered offerings are likely to comprise 5 percent rate of the total, which may be estimated at 250 hours. Thus, of the 376 estimated offerings, 9,400 hours are likely to be attributed to

Regulation D, 27,072 to Regulation A, 1,900 to employee stock plan offerings, and 4,700 to registered offerings. The total hours of 42,864 divided by 376 total offerings provides an average labor hourly amount per offering of 114.

Annual Burden Summary

The estimated PRA compliance labor hours for the proposed rule are summarized in the table below, which lists the estimated annual number of responses per respondent and estimated time per response, as described above.

TABLE 1—SUMMARY OF ANNUAL BURDEN AND INTERNAL COST (3064–0030)

Information collection (IC) description	Type of burden	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Total estimated annual burden (hrs)
Part 335, Subpart A—Securities Disclosure	Disclosure	376	1	114	42,864

As the table below shows, the proposed rule would impose an estimated average annual PRA burden of

42,864 hours once the proposed rule has been adopted.

The Estimated Total Annual Burden for Revised Information Collection:

	Type of burden	Estimated number of responses	Hours per response	Frequency of response	Number of responses per year	Estimated burden
Form 3—Initial Statement of Beneficial Ownership.	Reporting	58	1	On Occasion	1	58
Form 4—Statement of Changes in Beneficial Ownership.	Reporting	297	0.5	On Occasion	4	594
Form 5—Annual Statement of Beneficial Ownership.	Reporting	69	1	Annual	1	69
Form 8—A	Reporting	2	3	On Occasion	2	12
Form 8—C	Reporting	2	2	On Occasion	1	4
Form 8—K	Reporting	21	2	On Occasion	4	168
Form 10	Reporting	2	215	On Occasion	1	430
Form 10—C	Reporting	1	1	On Occasion	1	1
Form 10—K	Reporting	21	140	Annual	1	2,940
Form 10—Q	Reporting	21	100	Quarterly	3	6,300
Form 12b–25	Reporting	6	3	On Occasion	1	18
Form 15	Reporting	2	1	On Occasion	1	2
Form 25	Reporting	2	1	On Occasion	1	2
Schedule 13D	Reporting	2	3	On Occasion	1	6
Schedule 13E–3	Reporting	2	3	On Occasion	1	6
Schedule 13G	Reporting	2	3	On Occasion	1	6
Schedule 14A	Reporting	21	40	Annual	1	840
Schedule 14C	Reporting	2	40	On Occasion	1	80

⁸¹ OMB Control No. 3235–0286.

	Type of burden	Estimated number of responses	Hours per response	Frequency of response	Number of responses per year	Estimated burden
Schedule 14D-1 (Schedule TO) Part 335, Subpart A—Securities Disclosure.	Reporting	2	5	On Occasion	1	10
	Disclosure	376	114	On Occasion	1	42,864
Totals .....	.....	535	.....	.....	.....	54,410

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) The accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the information collection 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 to provide information.

All comments will become a matter of public record. Comments on aspects of this document that may affect reporting or recordkeeping requirements and burden estimates should be sent to the addresses listed in the **ADDRESSES** section of this **SUPPLEMENTARY INFORMATION**. A copy of the comments may also be submitted to the FDIC OMB desk officer: By mail to U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by facsimile to 202-395-5806, Attention, Federal Banking Agency Desk Officer.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.⁸² However, a regulatory flexibility analysis is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, and publishes its certification and a short explanatory statement in the **Federal Register** together with the rule. The Small Business Administration (SBA) has defined "small entities" to include banking organizations with total assets of less than or equal to \$600

million.⁸³ Generally, the FDIC considers a significant effect to be a quantified effect in excess of 5 percent of total annual salaries and benefits per institution, or 2.5 percent of total non-interest expenses. The FDIC believes that effects in excess of these thresholds typically represent significant effects for FDIC-supervised institutions. For the reasons provided below, the FDIC certifies that the proposed rule, if adopted in final form, would not have a significant economic impact on a substantial number of small banking organizations. Accordingly, a regulatory flexibility analysis is not required.

As previously discussed, the proposed rule would rescind part 390, subpart W, which outlines public disclosure requirements in connection with securities issuances for State savings associations; establish a new regulation part 335, subpart A, which outlines regulations relating to securities offering disclosures for all FDIC-supervised institutions; and make technical amendments to §§ 303.163 and 333.4. Concurrent with the adoption of these changes the FDIC plans to rescind its 1996 Statement of Policy. These actions would affect all FDIC-supervised institutions, particularly those that engage in issuing securities. According to the most recent data, the FDIC supervises 3,270 insured depository institutions, of which 2,492 are considered small banking organizations for the purposes of RFA.⁸⁴

⁸³ The SBA defines a small banking organization as having \$600 million or less in assets, where an organization's "assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See 13 CFR 121.201 (as amended, by 84 FR 34261, effective August 19, 2019). "SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates." See 13 CFR 121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is "small" for the purposes of RFA.

⁸⁴ Call Report data, June 30, 2020. The SBA defines a small banking organization as having \$600 million or less in assets, where an organization's "assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See 13 CFR 121.201 (as amended by 84 FR 34261, effective August 19, 2019). In its determination, the "SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its

Therefore, the FDIC estimates that the proposed rule, if adopted, potentially would affect 2,492 small institutions. However, the new regulation in part 335, subpart A would only directly affect small FDIC-supervised institutions that issue offering documents. The FDIC does not currently have access to information that would facilitate an accurate estimate the number of small institutions that will issue offering documents. To estimate the number of small FDIC-supervised institutions that could be directly affected, staff utilized Call Report data to determine the average number of cooperative banks, cooperative banks with stock ownership, mutual commercial banks, mutual savings and loan associations, mutual savings banks, savings and loan associations with stock ownership, savings banks with stock ownership, and de novo institutions, in existence at year-end over the past five years.⁸⁵ Based on this analysis, the FDIC estimates that 260 (10.4 percent) small FDIC-supervised institutions will be directly affected by the rescission of the 1996 Statement of Policy and establishment of the new regulation part 335, subpart A.

The proposed rule, if adopted, would rescind part 390, subpart W, however this aspect of the proposed rule is unlikely to substantively affect small FDIC-supervised State savings associations. According to the most recent data, the FDIC supervised 33 small State savings associations.⁸⁶ Sections 390.410 through 390.430 include requirements that prescribe definitions, public accountant qualifications, and set forth the form and content of financial statements pertaining to certain securities and their related transaction documents. As previously discussed, the FDIC's experience has been that FDIC-supervised institutions are either required to follow SEC disclosure

domestic and foreign affiliates." See 13 CFR 121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is "small" for the purposes of RFA.

⁸⁵ Call Report data for the quarter ending December 31 in 2015–2019.

⁸⁶ Call Report data, June 30, 2020.

⁸² 5 U.S.C. 601, *et seq.*

regulations by State law or voluntarily follow them and other applicable regulations as a means to comply with the Federal antifraud provisions. Although the contents of part 390, subpart W being rescinded are more detailed than the contents of the proposed regulation, the new regulation at part 335, subpart A is consistent with both the requirements of part 390, subpart W and the 1996 Statement of Policy. Therefore, the FDIC believes that the proposed rule is unlikely to substantively affect small FDIC-supervised State savings associations.

The establishment of a new regulation, part 335, subpart A by the proposed rule would pose several broad effects on small FDIC-supervised institutions. As previously discussed, the proposed part 335, subpart A is consistent with both the requirements of part 390, subpart W and the 1996 Statement of Policy. Therefore, the primary effect of the proposed rule is to codify in regulation what was previously guidance for small FDIC-supervised institutions that are not State savings associations. Since the proposed rule largely harmonizes the FDIC's regulations with updated laws and regulations, the FDIC does not believe that the marginal effect of adopting part 335, subpart A will be significant for small FDIC-supervised institutions that are not small State savings associations. However, this aspect of the proposed rule is likely to benefit small FDIC-supervised institutions by establishing a consistent set of requirements that apply to all FDIC-supervised institutions. Further, this aspect of the proposed rule is likely to benefit small FDIC-supervised institutions by treating the securities offerings of small FDIC-supervised institutions more like those of other corporations and eliminating a duplicative system of regulations and forms. If the proposed rule were adopted, the establishment of a new regulation part 335, subpart A would pose some disclosure costs for entities directly affected by the proposed rule. However, because part 335, subpart A is consistent with the 1996 Statement of Policy, the concurrent rescission of 1996 Statement of Policy means there is no net change in disclosure for small FDIC-supervised institutions. Finally, this aspect of the proposed rule could pose regulatory costs for small FDIC-supervised institutions associated with potentially reviewing and revising existing internal processes and procedures for compliance with applicable securities offering disclosure regulations. However, because the number of directly affected small, FDIC-

insured institutions is estimated to be relatively small, the FDIC believes at any such regulatory costs are also likely to be relatively small.

The technical amendments to §§ 303.163 and 333.4 are expected to clarify those regulations but not pose any substantive effect for small FDIC-supervised institutions.

Finally, the FDIC believes that the proposed rule, if adopted, will benefit small FDIC-supervised institutions and the public by clarifying regulations and improving the ease of reference.

Based on the information above, the FDIC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Question 8. The FDIC invites comments on all aspects of the supporting information provided in this RFA section. In particular, would this rule have any significant effects on small entities that the FDIC has not identified?

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act⁸⁷ requires each Federal banking agency to use plain language in all of its proposed and final rules published after January 1, 2000. As a Federal banking agency subject to the provisions of this section, the FDIC has sought to present the proposed rule to rescind part 390, subpart W in a simple and straightforward manner.

Question 8. The FDIC invites comments on whether the proposal is clearly stated and effectively organized, and how the FDIC might make the proposal easier to understand.

D. The Economic Growth and Regulatory Paperwork Reduction Act

Under section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA), the FDIC is required to review all of its regulations, at least once every 10 years, in order to identify any outdated or otherwise unnecessary regulations imposed on insured institutions.⁸⁸ The FDIC, along with the other Federal banking agencies, submitted a Joint Report to Congress on March 21, 2017, (EGRPRA Report) discussing how the review was conducted, what has been done to date to address regulatory burden, and further measures that will be taken to address issues that were identified. As noted in the EGRPRA Report, the FDIC is continuing to streamline and clarify its regulations

through the OTS rule integration process. By removing outdated or unnecessary regulations, such as part 390, subpart W, this proposal complements other actions the FDIC has taken, separately and with the other Federal banking agencies, to further the EGRPRA mandate.

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 333

Banks, banking.

12 CFR Part 335

Accounting, Banks, banking, Confidential business information, Reporting and recordkeeping requirements, Securities.

12 CFR Part 390

Administrative practice and procedure, Advertising, Aged, Civil rights, Conflict of interests, Credit, Crime, Equal employment opportunity, Fair housing, Government employees, Individuals with disabilities, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons set forth in the preamble, the Federal Deposit Insurance Corporation proposes to amend 12 CFR parts 303, 333, 335, and 390 as follows:

PART 303—FILING PROCEDURES

■ 1. The authority citation for part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 478, 1463, 1467a, 1813, 1815, 1817, 1818, 1819 (Seventh and Tenth), 1820, 1823, 1828, 1831i, 1831e, 1831o, 1831p–1, 1831w, 1831z, 1835a, 1843(l), 3104, 3105, 3108, 3207, 5412; 15 U.S.C. 1601–1607.

■ 2. Amend § 303.163 by revising paragraph (b) to read as follows:

§ 303.163 Processing.

* * * * *

(b) *Additional considerations.* (1) In reviewing the notice and other materials submitted under this subpart, the FDIC will take into account the extent to which the proposed conversion transaction conforms with the various provisions of the mutual-to-stock conversion regulations of the Office of Comptroller of the Currency (OCC) (12 CFR part 192), as currently in effect at the time the notice is submitted. Any

⁸⁷ Public Law 106–102, 113 Stat. 1338, 1471 (codified at 12 U.S.C. 4809).

⁸⁸ Public Law 104–208, 110 Stat. 3009 (1996).

non-conformity with those provisions will be closely reviewed.

(2) Conformity with the OCC requirements will not be sufficient for FDIC regulatory purposes if the FDIC determines that the proposed conversion transaction would pose a risk to the bank's safety or soundness, violate any law or regulation, or present a breach of fiduciary duty.

* * * * *

PART 333—EXTENSION OF CORPORATE POWERS

■ 3. The authority citation for part 333 continues to read as follows:

Authority: 12 U.S.C. 1816; 1817(i); 1818; 1819(a) (Seventh, Eighth, and Tenth), 1828, 1828(m), 1831p–1(c), 5414 and 5415.

■ 4. Amend § 333.4 by revising paragraph (e) introductory text to read as follows:

§ 333.4 Conversions from mutual to stock form.

* * * * *

(e) *Stock benefit plan limitations.* The FDIC will presume that a stock option plan or management or employee stock benefit plan that does not conform with the applicable percentage limitations of the regulations issued by the Office of the Comptroller of the Currency constitutes excessive insider benefits and thereby evidences a breach of the board of directors' or trustees' fiduciary responsibility. In addition, no converted insured mutual state savings bank shall, for one year from the date of the conversion, implement a stock option plan or management or employee stock benefit plan, other than a tax-qualified employee stock ownership plan, unless each of the following requirements is met:

* * * * *

PART 335—SECURITIES OF STATE NONMEMBER BANKS AND STATE SAVINGS ASSOCIATIONS

■ 5. The authority citation for part 335 is revised to read as follows:

Authority: 12 U.S.C. 1819.

Subpart A also issued under 12 U.S.C. 1816, 1818, 1828, 1831o, 1831p–1, 1462a, 1463, 1464, 5412.

Subpart B also issued under 15 U.S.C. 78j–1, 78l(i), 78m, 78n, 78p, 78w, 5412, 5414, 5415, 7241, 7242, 7243, 7244, 7261, 7262, 7264, and 7265.

■ 6. Add subpart A to read as follows:

Subpart A—Securities Disclosure

Sec.

335.1 Purpose, scope, and applicability.

335.2 Definitions.

335.3 Registration statement and prospectus requirements.

335.4 Exemptions from registration statement and prospectus requirements.

335.5 Sales practices regarding securities issuances.

335.6 Securities legends.

335.7 Filing procedures and confidentiality.

Subpart A—Securities Disclosure

§ 335.1 Purpose, scope, and applicability.

(a) *Purpose and scope.* This subpart sets forth rules for filing with the FDIC registration statements, prospectuses, and other offering documents related to offers and sales of FDIC-supervised institution securities and the securities of the subsidiaries of State savings associations by issuers, underwriters, and dealers.

(b) *Applicability.* (1) This subpart is applicable to the offers or sales of securities of FDIC-supervised institutions in connection with:

(i) Organizational efforts pursuant to 12 U.S.C. 1815 and subject to the requirements of 12 CFR part 303, subpart B;

(ii) A capital raise by an FDIC-supervised institution subject to an enforcement action pursuant to 12 U.S.C. 1818 or a capital restoration plan pursuant to 12 U.S.C. 1831o and 12 CFR part 324;

(iii) A mutual state-chartered bank conversion from mutual to stock form pursuant to 12 CFR 333.4 and part 303, subpart I; and

(iv) A mutual state savings association conversion from mutual to stock form pursuant to 12 CFR part 192.

(2) This subpart applies also to a security offering by a subsidiary of any State savings association described in paragraphs (b)(1)(i) through (iv) of this section.

(c) *Cross references to securities regulations—(1) Securities offerings generally.* This subpart generally cross references the regulations of the Securities and Exchange Commission as these regulations are issued, revised, or updated from time to time under the Securities Act of 1933, as amended (15 U.S.C. 77a *et seq.*), except as provided otherwise in this subpart.

(2) *State savings associations' mutual-to-stock conversion securities offerings.* The offers or sales of the securities of state savings association in connection with a mutual-to stock conversion are subject to the rules set forth by the Office of the Comptroller of the Currency at 12 CFR part 192 for the purposes of this subpart.

(d) *Rule of construction.* Any references to the regulations issued by another agency include such regulations as they may be amended or replaced from time to time.

§ 335.2 Definitions.

Unless otherwise defined in this subpart, definitions shall have the meaning given to them in the Securities Act and the regulations of the SEC.

For the purposes of this subpart, the following definitions apply:

FDIC-supervised institution means any state nonmember bank or state savings association.

Issue means the same as in section 2(a)(4) of the Securities Act (15 U.S.C. 77b(a)(4)).

Offering documents means the documents described in rules 252–254 of the SEC's Regulation A (17 CFR 230.252).

Prospectus means an offering document that includes the information required by section 10(a) of the Securities Act (15 U.S.C. 77j(a)).

Registration statement means a filing that includes the prospectus and other information required by section 7 of the Securities Act (15 U.S.C. 77g).

Sale, sell, offer to sell, offer for sale, and offer mean the same as in section 2(a)(3) of the Securities Act (15 U.S.C. 77b(a)(3)).

SEC or the *Commission* means the Securities and Exchange Commission. When used in the rules, regulations, or forms of the SEC referred to in this part, the terms SEC, Commission, or Commissioner shall be deemed to refer to the FDIC.

Security means the same as in section 2(a)(1) of the Securities Act (15 U.S.C. 77b(a)(2)).

Securities Act means the Securities Act of 1933, as amended (15 U.S.C. 77a–77aa).

§ 335.3 Registration statement and prospectus requirements.

(a) *Registration statement filing.* An FDIC-supervised institution shall file with the appropriate FDIC regional office a registration statement, including any prospectus, that conforms to the registration requirements of section 3 of the Securities Act (15 U.S.C. 77c), as if the FDIC-supervised institution was not otherwise exempt from such registration requirements.

(b) *Registration and prospectus requirements.* Except as provided in § 335.4, registration statements, prospectuses, and offering documents filed by an FDIC-supervised institution must conform to the form and content requirements of 17 CFR 230.400 through 230.498A (SEC Regulation C), except to the extent those requirements conflict with the specific requirements of this subpart.

(c) *Disclosure requirements.* Disclosures included in registration statements, prospectuses, and offering

documents filed by an FDIC-supervised institution must conform to 17 CFR part 229 (SEC Regulation S–K).

(d) *Form and content of financial statements.* Financial statements included in registration statements, prospectuses, and offering documents filed by an FDIC-supervised institution must conform to 17 CFR part 210 (Regulation S–X).

§ 335.4 Exemptions from registration statement and prospectus requirements.

(a) *Exemptions.* The securities offering of an FDIC-supervised institution is exempt from the registration statement and prospectus requirements of 17 CFR 230.400 through 230.498A (SEC Regulation C) if the securities offering meets the requirements of one of the following:

- (1) 17 CFR 230.251 through 230.263 (SEC Regulation A);
- (2) 17 CFR 230.500 through 230.508 (SEC Regulation D);
- (3) 17 CFR 230.701 (SEC Rule 701);
- (4) 17 CFR 230.144 (Rule 144) and 17 CFR 230.144A (Rule 144A);
- (5) Offers and sales of securities in connection with a mutual-to-stock conversion pursuant to 12 CFR part 192; or

(6) Offers and sales in connection with the dissolution of the FDIC-supervised institution's holding company, provided all of the following requirements are met:

(i) The offer and sale of securities occurs solely as part of a dissolution in which the security holders exchange shares of securities in the FDIC-supervised institution's holding company (that had no significant assets other than securities of the FDIC-supervised institution) for the FDIC-supervised institution's securities;

(ii) The FDIC-supervised institution's holding company's security holders receive, after the dissolution, substantially the same proportional share interests in the FDIC-supervised institution securities as they held in the holding company;

(iii) The rights and interests of the FDIC-supervised institution's holding company's security holders in the FDIC-supervised institution are substantially the same as those they had in the holding company prior to the transaction; and

(iv) The FDIC-supervised institution has substantially the same assets and liabilities as the FDIC-supervised institution's holding company had on a consolidated basis prior to the transaction.

(b) *Offering documents.* An FDIC-supervised institution subject to this subpart, the securities offering of which

is exempt from registration statement and prospectus requirements, must provide the FDIC with an offering document that complies with the form and content requirements of the exemption upon which the FDIC-supervised institution relies.

§ 335.5 Sales practices regarding securities issuances.

(a) *Sales on the premises of an FDIC-supervised institution.* An FDIC-supervised institution must comply with the following restrictions when selling securities on the institution's premises:

(1) All sales must be conducted in a segregated area of the FDIC-supervised institution's offices, whenever possible;

(2) Offers and sales must be conducted by authorized personnel, excluding tellers, in places where deposits are not ordinarily received;

(3) The FDIC-supervised institution must obtain a signed and dated certification from the purchaser confirming that the purchaser has read and understands the disclosures set out in the offering document and the subscription order form;

(4) The certification must contain a separate place where a purchaser can indicate, by initialing or by comparable method, that the purchaser acknowledges that the securities being sold are not covered by FDIC deposit insurance; and

(b) *Online sales.* If an FDIC-supervised institution offers securities online, the FDIC-supervised institution must include in the FDIC-supervised institution's subscription order form the legends set forth in § 335.6.

§ 335.6 Securities legends.

(a) A securities offering must include the following legends in a prominent place in capital letters printed in boldfaced type:

THESE SECURITIES ARE NOT DEPOSITS. THESE SECURITIES ARE NOT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION OR ANY OTHER AGENCY, AND ARE SUBJECT TO INVESTMENT RISK, INCLUDING THE POSSIBLE LOSS OF PRINCIPAL.

THESE SECURITIES HAVE NOT BEEN APPROVED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION NOR HAS THE FEDERAL DEPOSIT INSURANCE CORPORATION PASSED ON THE ADEQUACY OR ACCURACY OF THE REGISTRATION STATEMENT AND PROSPECTUS. ANY REPRESENTATION TO THE CONTRARY IS UNLAWFUL.

(b) A debt securities offering must include the following legend in a prominent place in capital letters printed in boldfaced type:

THESE DEBT OBLIGATIONS ARE SUBORDINATE TO THE CLAIMS OF DEPOSITORS AND OTHER CREDITORS AS MORE FULLY DESCRIBED IN THE REGISTRATION STATEMENT AND PROSPECTUS.

§ 335.7 Filing procedures and confidentiality.

(a) *Filings.* (1) An FDIC-supervised institution must file an offering document prior to the commencement of offering securities for offer or sale as follows:

(i) For offerings described in § 335.1(b)(1)(i), together with the application for deposit insurance;

(ii) For offerings described in § 335.1(b)(1)(ii), together with the capital restoration plan or otherwise as required by an Order of the FDIC;

(iii) For offerings described in § 335.1(b)(1)(iii), together with the notice and materials required by 12 CFR 303.161; and

(iv) For offerings described in § 335.1(b)(1)(iv), together with the forms required by 12 CFR 192.5.

(2) Unless otherwise indicated in this subpart, filings should be submitted to the appropriate regional office. Instructions for submitting filings may be obtained from the appropriate FDIC regional director. The FDIC may require the applicant to submit additional information.

(3) The FDIC may request that an FDIC-supervised institution provide additional information in, or otherwise revise, a registration statement, prospectus, or other offering document, consistent with the requirements of the filings described in § 335.1(b). An FDIC-supervised institution may offer or sell securities in a transaction subject to this subpart when it receives a written statement from the FDIC to the effect that no additional information or changes are required.

(b) *Confidentiality.* FDIC-supervised institutions should contact the appropriate FDIC regional office regarding materials such institutions wish to remain confidential.

§§ 335.101 through 335.801 [Designated as Subpart B]

■ 7. Designate §§ 335.101 through 335.801 as subpart B and add a heading for newly designated subpart B to read as follows:

Subpart B—Securities of State Nonmember Banks and State Savings Associations
Sec.

- 335.101 Scope of part, authority and OMB control number.
- 335.111 Forms and schedules.
- 335.121 Listing standards related to audit committees.
- 335.201 Securities exempted from registration.
- 335.211 Registration and reporting.
- 335.221 Forms for registration of securities and cross reference to Regulation FD (Fair Disclosure).
- 335.231 Certification, suspension of trading, and removal from listing by exchanges.
- 335.241 Unlisted trading.
- 335.251 Forms for notification of action taken by national securities exchanges.
- 335.261 Exemptions, terminations, and definitions.
- 335.301 Reports of issuers of securities registered pursuant to section 12.
- 335.311 Forms for annual, quarterly, current, and other reports of issuers.
- 335.321 Maintenance of records and issuer's representations in connection with required reports.
- 335.331 Acquisition statements, acquisition of securities by issuers, and other matters.
- 335.401 Solicitations of proxies.
- 335.501 Tender offers.
- 335.601 Requirements of section 16 of the Securities Exchange Act of 1934.
- 335.611 Initial statement of beneficial ownership of securities (Form 3).
- 335.612 Statement of changes in beneficial ownership of securities (Form 4).
- 335.613 Annual statement of beneficial ownership of securities (Form 5).
- 335.701 Filing requirements, public reference, and confidentiality.
- 335.801 Inapplicable SEC regulations; FDIC substituted regulations; additional information.

Subpart B [Amended]

- 8. Amend newly designated subpart B by:
 - a. Removing "Part 335" and adding "This subpart" in its place wherever it appears;
 - b. Removing "This part" and adding "This subpart" in its place wherever it appears; and
 - c. Removing "this part" and adding "this subpart" in its place wherever it appears.

PART 390—REGULATIONS TRANSFERRED FROM THE OFFICE OF THRIFT SUPERVISION

- 9. The authority citation for part 390 continues to read as follows:

Authority: 12 U.S.C. 1819.

* * * * *

Subpart W—[Removed and Reserved]

- 10. Remove and reserve subpart W, consisting of §§ 390.410 through 390.430.
Federal Deposit Insurance Corporation.

By order of the Board of Directors.
Dated at Washington, DC, on or about
January 19, 2021.

James P. Sheesley,
Assistant Executive Secretary.

[FR Doc. 2021-02028 Filed 2-3-21; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0033]

RIN 1625-AA00

Safety Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for all navigable waters of Corpus Christi Bay and the Corpus Christi Ship Channel. This action is necessary to provide for the safety of life on these navigable waters near the Corpus Christi Bayfront, during an airshow taking place from April 29, 2021 through May 2, 2021. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Corpus Christi 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 April 5, 2021.

ADDRESSES: You may submit comments identified by docket number USCG-2021-0033 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 LCDR Margaret Brown, Waterways Management Division, Sector Corpus Christi, U.S. Coast Guard, email Margaret.A.Brown@uscg.mil; telephone 361-244-4784.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
NPRM Notice of proposed rulemaking

§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On November 20, 2020, Schultz Airshows notified the Coast Guard that the Buccaneer Commission will host the Wings Over South Texas Airshow daily, 11:30 a.m. to 4:30 p.m. from April 29, 2021 through May 2, 2021. The Airshow's aerobic box will take place over Corpus Christi Bay within a rectangular zone defined by the following coordinates; 27°49'2.78" N, 097°23'16.1" W; 27°47'3.69" N, 097°23'14.62" W; 27°49'2.73" N, 097°22'42.97" W; 27°47'5.46" N, 097°22'41.02" W; and back to 27°49'2.78" N, 097°23'16.1" W. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the Airshow would be a safety concern for anyone within the defined area.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the aerobic box before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone daily from 11:30 a.m. to 4:30 p.m. from April 29, 2021 through May 2, 2021. The safety zone would cover all navigable waters within a rectangular zone defined by the following coordinates; 27°49'2.78" N, 097°23'16.1" W; 27°47'3.69" N, 097°23'14.62" W; 27°49'2.73" N, 097°22'42.97" W; 27°47'5.46" N, 097°22'41.02" W; and back to 27°49'2.78" N, 097°23'16.1" W. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 11:30 a.m. to 4:30 p.m. airshow. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic, including that which transits the portion of the Corpus Christi Ship Channel that is within the zone, would be permitted to move before and after the effective time of the zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via FHF-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 safety zone lasting 5 hours daily for 4 days that would prohibit entry within the defined aerobatic box. Normally such actions are categorically

excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Memorandum for Record supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. 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 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0033 to read as follows:

§ 165.T08–0033 Safety Zone; Corpus Christi Bay, Corpus Christi, TX.

(a) *Location.* The following area is a temporary safety zone: all navigable waters of the Corpus Christi Bay within the following defined coordinates:

27°49′2.78″ N, 097°23′16.1″ W;
27°47′3.69″ N, 097°23′14.62″ W;
27°49′2.73″ N, 097°22′42.97″ W;
27°47′5.46″ N, 097°22′41.02″ W; and
back to 27°49′2.78″ N, 097°23′16.1″ W.

(b) *Effective period.* This section is effective daily from 11:30 a.m. to 4:30 p.m. from April 29, 2021 through May 2, 2021.

(c) *Regulations.* (1) According to the general regulations in § 165.23, entry into this temporary safety zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. They may be contacted

on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

Dated: January 29, 2021.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2021–02323 Filed 2–3–21; 8:45 am]

BILLING CODE 9110–04–P

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.

AFRICAN DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board of Directors

AGENCY: United States African Development Foundation.

ACTION: Notice of meeting.

SUMMARY: The US African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration. This meeting will occur at the USADF office.

DATES: The meeting date is Tuesday, February 9, 2021, 10 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held by teleconference. Please contact the Agency Contact listed below for conference details.

FOR FURTHER INFORMATION CONTACT: Nina-Belle Mbayu, (202) 233-8808, nbmbayu@usadf.gov.

(Authority: Public Law 96-533 (22 U.S.C. 290h))

Dated: February 1, 2021.

Nina-Belle Mbayu,

Acting General Counsel.

[FR Doc. 2021-02321 Filed 2-3-21; 8:45 am]

BILLING CODE 6117-01-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS-BUSINESS-0042]

Notice of Solicitation of Applications for Inviting Applications for the Rural Business Development Grant Programs for Fiscal Year 2021

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This notice is to invite applications for grants under the Rural Business Development Grant (RBDG)

Program for fiscal year (FY) 2021, subject to the availability of funding. This notice is being issued in order to allow applicants sufficient time to leverage financing, prepare and submit their applications, and give the Agency time to process applications within FY 2021. 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 website at <https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas> will identify the amount available in FY 2021 for RBDG applications.

All applicants are responsible for any expenses incurred in developing their applications.

DATES: Applications must be submitted to the USDA Rural Development State Office for the State where the Project is located. Complete 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 March 31, 2021. A list of the USDA Rural Development State Offices can be found at: <https://www.rd.usda.gov/page/state-offices>.

ADDRESSES: Applications must be submitted to the USDA Rural Development State Office for the State where the Project is located. For Projects involving multiple states, the application must be filed in the Rural Development State Office where the Applicant 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. Applicants are encouraged to contact their respective Rural Development State Office for an email contact to submit an electronic application prior to the submission deadline date. A list of the USDA Rural Development State Office contacts can be found at: <https://www.rd.usda.gov/page/state-offices>.

FOR FURTHER INFORMATION CONTACT: David Chestnut, Branch Chief, Program Management Division, at (202) 692-5233, or david.chestnut@usda.gov, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, MS 3226, Room 5801-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/page/state-offices>.

SUPPLEMENTARY INFORMATION: The agency encourages applications that will help advance equity and improve outcomes in rural America. Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Please note that this Notice does not award points for these strategies.

Overview

Solicitation Opportunity Type: Rural Business Development Grant.

Announcement Type: Initial Solicitation Announcement.

Catalog of Federal Domestic Assistance Number: 10.351.

Dates: The deadline for completed applications to be received in the USDA Rural Development State Office has been established as no later than 4:30 p.m. (local time) on March 31, 2021. A list of the USDA Rural Development State Offices can be found at: <https://www.rd.usda.gov/page/state-offices>.

Set Aside Funding:

The Further Consolidated Appropriations Act, 2020, DIV III, Title B—Agriculture, Rural Development designated funding for Federally-Recognized Native American Tribes, Rural Empowerment Zone/Enterprise Communities/Rural Economic Area Partnerships, and projects in Persistent Poverty areas, Native American Persistent Poverty areas and for Strategic Economic and Community Development (SECD) projects in Fiscal Year 2020. Set aside funding may ultimately be made available through appropriations in FY2021 where continued emphasis is given to financial assistance for projects located in these areas. Eligible applicants for the set aside funds, if available, must demonstrate that at least 75 percent of the benefits of an approved grant will assist beneficiaries in the designated areas. The completed application deadline for these set aside funds, if available, is consistent with the application deadline date of March 31,

2021. Applicants for set aside funds must indicate that they are applying for set aside funds and may not submit a duplicate application for regular RBDG funds. Eligible applications for set aside funding that are not funded due to insufficient funds will be allowed to compete for available FY2021 regular RBDG funds in the State where the Project is located.

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, beneficiaries of technical assistance services located in Persistent Poverty county seats with populations up to 55,000 (per the 2010 Census) are eligible.

A. Program Description

1. *Purpose of the Program.* The purpose of the program is to promote economic development and job creation projects through the awarding of grant funds to eligible entities. Applications will compete in two separate categories, business opportunity grants and business enterprise grants, for use in funding various business projects that serve rural areas. Business opportunity projects may be used to establish business support centers or provide funds for job training and leadership development in rural areas. Business opportunity projects must be consistent with any local and area-wide strategic plans for community and economic development, coordinated with other economic development activities in the project area, and consistent with any Rural Development State Strategic Plan. Business enterprise projects must be used to finance or develop small and emerging businesses in rural areas. Enterprise funded project purposes must be in compliance with 7 CFR 4280.417(a)(2) which includes the acquisition and development of land,

access streets and roads, and the conversion or modernization of buildings, machinery and equipment.

2. *Statutory and Regulatory Authority.* These Programs are authorized under 5 U.S.C. 301: 940c and 7 U.S.C. 1932(c) and implemented by 7 CFR part 4280, subpart E. Assistance provided under this subpart will be made to eligible entities and will be used for funding various business opportunity and business enterprise projects that serve Rural Areas.

Awards under the RBDG Programs will be made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart E. Information required to be in the application package includes Standard Form (SF) 424, “Application for Federal Assistance;” a copy of applicants organizational documents; a proposed scope of work; Resolution of the Board of Directors; SF LLL, “Restrictions on Lobbying;” RD 400–1, “Equal Opportunity Agreement;” RD 400–4, “Assurance Agreement;” Assurance Statement for the Uniform Act; paperwork required in accordance with 7 CFR part 1970, “Environmental Policies and 7 CFR 4280.427 Application.

3. *Definition of Terms.* The definitions applicable to this notice are published at 7 CFR 4280.403.

4. *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 E, and as indicated in this notice. However, 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 2021.

B. Federal Award Information

Type of Awards: Grants.

Fiscal Year Funds: FY 2021.

Available Funds: Anyone interested in submitting an application for funding under these Programs is encouraged to consult the Rural Development Notices of Solicitation of Applications website at <http://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas>.

Anticipated Award Dates: If Applicable, Set Aside awards: May 31, 2021. Regular awards: August 31, 2021.

Performance Period: June 1, 2021, through September 30, 2023.

Renewal or Supplemental Awards: None.

C. Eligibility Information

1. *Eligible Applicants.*

Grants may be made to a Public Body/Government Entity; an Indian Tribe; or a Nonprofit entity primarily serving rural areas. In accordance with 7 CFR 4280.416(d), applicants that are not delinquent on any Federal debt or not otherwise disqualified from participation in these Programs are eligible to apply. The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended. Applicants must be registered in the System for Award Management (SAM) prior to submitting an application and maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by the Agency. All other restrictions in this notice will apply.

The Agency requires information to make an eligibility determination through applications that must include, but are not limited to, the following:

(a) An original and one copy of SF 424, “Application For Federal Assistance (For Non-construction);”

(b) Copies of applicant’s organizational documents showing the applicant’s legal existence and authority to perform the activities under the grant;

(c) A proposed scope of work, including a description of the proposed Project. Grant funds may be used for projects identified in § 4280.417(a) as either a business opportunity type grant or a business enterprise type grant. The scope of work must include 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 grant approval to beginning of Project implementation. In accordance with 7 CFR 4280.421, a Project must reasonably be expected to be completed within 1 full year after it has begun.

(d) A written narrative that includes, at a minimum, the following items:

(1) An explanation of why the Project is needed, the benefits of the proposed Project, and how the Project meets the grant eligible purposes;

(2) Area to be served, identifying each governmental unit, *i.e.* town, county, Indian reservation, etc., to be affected by the Project;

(3) Description of how the Project will coordinate Economic Development activities with other Economic Development activities within the Project area;

(4) Business to be assisted, if appropriate; and Economic Development to be accomplished;

(5) 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;

(6) A description of the applicant's demonstrated capability and experience in providing the proposed Project assistance or similar Economic Development activities, including experience of key staff members and persons who will be providing the proposed Project activities and managing the Project;

(7) The method and rationale used to select the areas and businesses that will receive the service;

(8) A brief description of how the work will be performed including whether organizational staff or consultants or contractors will be used;

(9) Please note that no assistance or funding can be provided to hemp producers or processors unless they have a valid license issued from an approved State, Tribal or Federal plan as per Section 10113 of the Agriculture Improvement Act of 2018, Public Law 115–334. Verification of valid hemp licenses will occur at the time of award; and

(10) Other information the Agency may request to assist in making a grant award determination;

(e) The latest 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;

(f) Intergovernmental review comments from the State Single Point of Contact, or evidence that the State has elected not to review the program under Executive Order 12372;

(g) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from the RBDG; Agency employees must make a determination that the other funds proposed are in place as part of their financial analysis toward the feasibility of the project. If there is not a firm commitment in writing of the other funding, it may not be considered for leveraging and scoring purposes and the project must be feasible without those funds;

(h) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the Project; and

(i) RBDG construction Project grants must conform with 7 CFR part 1924, subpart A and the 7 CFR 1970 environmental requirements.

2. General Processing and Scoring Provisions.

The Agency will review each application for assistance in accordance with the priorities established in § 4280.435. The Agency will assign each application a priority rating and will select applications for funding based on the priority ratings and the total funds available to the program for opportunity-type projects and enterprise-type projects.

(a) The Agency will score each application based on the information contained in the application and its supporting information. All applications submitted for funding must contain sufficient information to permit the Agency to complete a thorough priority rating. Agency employees may not consider any information that is not provided by the applicant in writing for scoring purposes. Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements. Total possible points for the scoring criteria is 240 plus discretionary points that may be awarded by the Administrator or State Director with justification and only for those projects submitting an initial grant application. Points will be awarded to an eligible application as follows:

(1) *Leveraging*. If the grant will fund a critical element of a larger program of Economic Development, without which the overall program either could not proceed or would be far less effective, or if the program to be assisted by the grant will also be partially funded from other sources, points will be awarded if Rural Development's funding is: (i) Less than 20 percent of the project costs—30 points; (ii) between 20 percent and up to 50 percent of the project—20 points; (iii) between 50 percent and up to 75 percent of the project—10 points.

(2) *Demographics*. Points will be awarded for each of the following criteria met by the community or communities that will receive the benefit of the grant, up to a total of 40 points from all categories: (i) Communities experiencing trauma due to a major natural disaster that occurred not more than 3 years prior to the filing of the application for assistance will be awarded 15 points; (ii) Communities that have suffered a loss of 20 percent or more in their total jobs caused by the closure of a military facility or other employers within the last 3 years will be awarded 15 points; (iii) Communities that have experienced Long-Term poverty as demonstrated by being a former Rural empowerment zone, Rural economic area partnership zone, Rural enterprise community, champion

community, or a persistent poverty county as determined by USDA's Economic Research Service will receive 10 points; and (iv) If the community has experienced Long-Term population decline as demonstrated by the latest three decennial censuses, 10 points will be awarded.

(3) *Population*. Points will be awarded if the proposed project(s) will be located in a community of: (i) Under 5,000 population—15 points; (ii) Between 5,000 and less than 15,000 population—10 points; or (iii) Between 15,000 and 25,000 population—5 points.

(4) *Unemployment*. If the proposed project(s) will be located in areas where the unemployment rate: (i) Exceeds the State rate by 25 percent or more—20 points will be awarded; (ii) exceeds the State rate by less than 25 percent—10 points will be awarded; or (iii) is equal to or less than the State rate—0 points will be awarded.

(5) *Median household income*. If the proposed project(s) will be located in areas where Median Household Income (MHI) as prescribed by section 673(2) of the Community Services Block Grant Act for a family of 4 for the State is: (i) Less than the poverty line—25 points will be awarded; (ii) More than the poverty line but less than 65 percent of State MHI—15 points will be awarded; (iii) Between 65 and 85 percent of the State MHI—10 points will be awarded; or (iv) If the area has greater than 85 percent of the State MHI—0 points will be awarded.

(6) *Experience*. If the applicant provides evidence of successful experience in the type of activity proposed based on its current employees' resumes demonstrating: (i) 10 or more years of experience—30 points will be awarded; (ii) At least 5 but less than 10 years of experience—20 points will be awarded; (iii) At least 3 years but less than 5 years of experience—10 points will be awarded; or (iv) At least 1 but less than 3 years of experience—5 points will be awarded.

(7) *Small business start-up or expansion*. If the Applicant has evidence that small business development will be supported by startup or expansion as a result of the activities to be carried out under the grant by written evidence provided to the Agency from a small, or a Small and Emerging Business that includes the number of jobs that will be supported and created, 5 points will be awarded for each letter up to a total of 25 points. Generic or duplicated letters are not acceptable, letters must address the specific business producing the letter, the connection to the project activities

and further provide information relative to jobs to meet the criteria.

(8) *Jobs created or supported.* Points will be awarded if the anticipated development, expansion, or furtherance of business enterprises as a result of the proposed Project will create and/or support existing jobs associated with the affected businesses. The number of jobs must be evidenced by a written commitment from the business(es) to be assisted. Points will be awarded based on the ratio of jobs to be supported by the amount of grant funds. For projects supporting: (i) One job for less than \$5,000 of grant funds—25 points will be awarded; (ii) one job for \$5,000 but less than \$10,000 of grant funds—20 points; (iii) one job for \$10,000 but less than \$15,000—15 points; (iv) one job for \$15,000 but less than \$20,000—10 points; or (v) one job for \$20,000 but less than \$25,000 of grant funds—5 points will be awarded.

(9) *Size of grant request.* Projects utilizing grant funds of: (i) Less than \$100,000—25 points will be awarded; (ii) Grant requests of \$100,000 to \$200,000—15 points will be awarded; or (iii) applications for more than \$200,000 but equal to or less than \$500,000—10 points will be awarded.

(10) *Indirect cost.* If the applicant is not requesting grant funds to cover their administrative or indirect costs, 5 points will be awarded.

(b) *Unfunded applications.* The Agency will notify eligible applicants if funds are not available. If an applicant wishes to have their application maintained in an active file for future consideration, the applicant must revise and update their application in writing for the Agency to reconsider in a future funding cycle. Agency employees will notify unsuccessful applicants who did not receive funding due to insufficient funds in writing that their application will not be funded. The potential grantee will be permitted to respond in writing that they wish their application to be reconsidered in the next funding cycle. The applicant at that time may provide additional updated information to be considered in that funding cycle.

(c) *Unfunded applications for set aside funding.* The Agency will notify eligible applicants in writing if set aside funds are not available or they did not receive funding due to insufficient funds. Unfunded applications for set aside funds will be allowed to compete for available FY2021 regular RBDG funds in the State where the Project is located. For Projects involving multiple states, the application must be filed in the Rural Development State Office where the Applicant is located and will compete for funds in that State.

D. Application and Submission Information

1. 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 the submission deadline. 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 March 31, 2021. Applicants are encouraged to contact their respective Rural Development State Office for an email contact to submit an electronic application prior to the submission deadline date(s). 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 <http://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) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. 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.

2. Content and Form of Application Submission.

An application must contain all of the required elements and be submitted in one package. Each selection priority criterion outlined in 7 CFR 4280.427 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 4280, subpart E, will be provided to any interested applicant making a request to a Rural Development State Office. An original copy of the application must be filed with the Rural Development State Office for the State where the Project is located. For Projects involving multiple states, the application must be filed in the Rural Development State Office where the Applicant is located.

The applicant documentation and forms needed for a complete application are located in the PROGRAM DESCRIPTION section of this notice, and 7 CFR 4280, Subpart E. There are no specific formats required per this notice, and applicants may request forms and addresses from the **ADDRESSES** section of this notice. 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.

(a) There are no specific limitations on the number of pages or other formatting requirements other than those described in the PROGRAM DESCRIPTION section.

(b) 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.

(c) The component pieces of this application should contain original signatures on the original application.

3. Submission Dates and Times.

(a) *Application Deadline Dates:* Applications must be submitted to the Rural Development State Office no later than 4:30 p.m. (local time) on March 31, 2021.

(b) The deadline date means that the completed application package must be received in the USDA Rural Development State Office by the established deadline date and time. All

application documents identified in this notice are required in the submission to be considered a complete application.

(c) The Agency will determine the application receipt date for paper applications based on the actual date postmarked. The date of electronic application submissions will be the date received in the Rural Development State Office by the designated Agency staff person.

(d) If completed applications are not received by the March 31, 2021 deadline, the application will neither be reviewed nor considered for funding under any circumstances.

(e) Indirect costs will be permitted in accordance with applicable law and in accordance with 2 CFR part 200. 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).

E. Application Review Information

1. Criteria.

All eligible and complete applications will be evaluated and scored based on the selection criteria and weights contained in 7 CFR 4280, subpart E. 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.

2. Review and Selection Process.

The Rural Development State Offices will review applications to determine if they are eligible for assistance based on requirements contained in 7 CFR parts 4280.416 and 4280.417. Funding of projects is subject to the Applicant's satisfactory submission of the items required by 7 CFR 4280 subpart E and this Notice in addition to any conditions specifically outlined in any issued USDA Rural Development Letter of Conditions if available funds are to be awarded.

Applications will compete at the state level in their respective category, business opportunity grants or business enterprise grants, for funding made available through Rural Development State allocated funds. Applications will be reviewed, prioritized by score, and

funded by ranking each Project in highest to lowest score order until available funds are exhausted. If funds are exhausted at the state level, each State's highest scoring unfunded business enterprise project will have the opportunity to compete for funding through a final national competition.

The Agency reserves the right to award additional discretionary points under 7 CFR 4280.435. Discretionary points may be awarded to accomplish geographic distribution of funds, special Secretary of Agriculture initiatives such as Priority Communities, or a state's strategic goals. Discretionary points may only be awarded to initial grants.

F. Federal Award Administration Information

1. 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 grant award can be approved and funded. If an application is withdrawn by the applicant, it can be resubmitted and will be evaluated as a new application in the period submitted.

2. Administrative and National Policy Requirements.

Additional requirements that apply to grantees selected for these Programs can be found in 7 CFR 4280, subpart E. Awards are subject to USDA grant regulations at 2 CFR Chapter IV which incorporated the Office of Management and Budget (OMB) regulations 2 CFR 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 grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency. The 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 grantees selected for these Programs can be found in 7 CFR 4280, subpart E; the Grants and Agreements regulations 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). The applicant 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 exempt under 2 CFR 170.110(b)).

The following additional requirements apply to 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) SF LLL, "Disclosure of Lobbying Activities," if applicable.

(f) Grantees will use Form SF 270, "Request for Advance or Reimbursement" when requesting grant funds from the Agency.

You no longer must complete the following forms for acceptance of a Federal award. This information is now collected through your registration or annual recertification in *SAM.gov* in the Financial Assistance General Certifications and Representations section:

- Form RD 400-4, "Assurance Agreement."

- Form AD-3031, "Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants."

3. 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. 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 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 RBDG grant if applicable. 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 grantee 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 grantee must provide reports as required by 7 CFR part 4280, subpart E.

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 is approved by OMB under OMB Control Number 0570-0070.

Federal Funding Accountability and Transparency Act

All applicants, in accordance with 2 CFR part 25, must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705-5711 or online at <http://fedgov.dnb.com/webform>. Similarly, all applicants applying for grant funds must be registered in SAM prior to submitting an application. Applicants may register for the SAM at <http://www.sam.gov/SAM>. All recipients of Federal financial grant assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

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:

Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; or

(1) *Email:* OAC@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021-02343 Filed 2-3-21; 8:45 am]

BILLING CODE 3410-XY-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public 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 the New Jersey State Advisory Committee to the Commission will hold a virtual panel briefing on Wednesday, February 10, 2021 at 1:00 p.m. (ET) for the purpose of discussing the impact of criminal records on access to employment-occupational licenses in New Jersey.

DATES: February 10, 2021, Wednesday at 1:00 p.m. (ET):

- To join by web conference: <https://bit.ly/3pxSGfw>
- To join by phone only, dial 1-800-360-9505; Access code: 199 410 0899

FOR FURTHER INFORMATION CONTACT: Ivy Davis at ero@usccr.gov or by phone at (202) 530-8468.

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 for this 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 emailed to the Eastern Regional Office within 30 days following the meeting. Written comments may be emailed to:

Atten: Ivy Davis at ero@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (202) 530-8468. Records and documents discussed during the meeting will be available for public viewing as they become available at 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

Wednesday, February 10, 2021 at 1:00 p.m. (ET)

- I. Roll Call
- II. Welcome
- III. Panel Presentation
- IV. Public Comment
- V. Closing Remarks
- VI. Adjourn

Dated: February 1, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-02349 Filed 2-3-21; 8:45 am]

BILLING CODE P

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 December anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable February 4, 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 December 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 30 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, 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

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

² See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

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 proceeding³ 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.

For exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents, these exporters and producers 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 intend to issue the final results of these reviews not later than December 31, 2021.

	Period to be reviewed
AD Proceedings	
Oman: Circular Welded Carbon-Quality Steel Pipe, A-523-812	12/1/19-11/30/20
Al Samna Metal Manufacturing & Trading Company LLC	
Bollore Logistics (Oman) LLC	
Transworld Shipping Trading & Logistics Services LLC	
Republic of Korea: Welded Line Pipe, A-580-876	12/1/19-11/30/20
AJU BESTEEL Co., Ltd.	
BDP International, Inc.	
Daewoo International Corporation	
Dong Yang Steel Pipe	
Dongbu Incheon Steel Co.	

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.

	Period to be reviewed
Dongbu Steel Co., Ltd. Dongkuk Steel Mill EEW Korea Co., Ltd. HISTEEL Co., Ltd. Husteel Co., Ltd. Hyundai RB Co. Ltd. Hyundai Steel Company/Hyundai HYSCO Kelly Pipe Co., LLC Keonwoo Metals Co., Ltd. Kolon Global Corp. Korea Cast Iron Pipe Ind. Co., Ltd. Kurvers Piping Italy S.R.L. Miju Steel MFG Co., Ltd. MSTEEL Co., Ltd. NEXTEEL Co., Ltd. Poongsan Valinox (Valtimet Division) POSCO POSCO Daewoo R&R Trading Co. Ltd. Sam Kang M&T Co., Ltd. SeAH Steel Corp. SeAH Steel Corporation Sin Sung Metal Co., Ltd. SK Networks Soon-Hong Trading Company Steel Flower Co., Ltd. TGS Pipe Tokyo Engineering Korea Ltd.	
The People's Republic of China: Aluminum Wire and Cable, A-570-095	6/5/19-11/30/20
ICF Cable Jin Tiong Electrical Materials Manufacturer PTE. Limited	
The People's Republic of China: Cased Pencils, A-570-827	12/1/19-11/30/20
Wah Yuen Stationery Co. Ltd. Shandong Wah Yuen Stationery Co. Ltd. Tianjin Tonghe Stationery Co. Ltd. Ningbo Homey Union Co., Ltd.	
The People's Republic of China: Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled Into Modules, A-570-979	12/1/19-11/31/20
Anji Dasol Solar Energy Science & Technology Co., Ltd. BYD (Shangluo) Industrial Co., Ltd. Canadian Solar International Limited; Canadian Solar Manufacturing (Changshu) Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; CSI Cells Co., Ltd.; CSI Solar Power (China) Inc.; CSI-GCL Solar Manufacturing (Yancheng) Co., Ltd. Trina Solar Co., Ltd.; Trina Solar (Changzhou) Science and Technology Co., Ltd.; Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Trina Solar (Hefei) Science and Technology Co., Ltd.; Changzhou Trina Hezhong Photoelectric Co., Ltd. Chint Energy (Haining) Co., Ltd.; Chint Solar (Hong Kong) Company Limited; Chint Solar (Jiuquan) Co., Ltd.; Chint Solar (Zhejiang) Co., Ltd. De-Tech Trading Limited HK Hengdian Group DMEGC Magnetics Co. Ltd. JA Solar Co., Ltd. JA Solar Technology Yangzhou Co., Ltd. Jiawei Solarchina (Shenzhen) Co., Ltd. Jiawei Solarchina Co., Ltd. JingAo Solar Co., Ltd. Jinko Solar Co., Ltd. Jinko Solar Import And Export Co., Ltd. Jinko Solar International Limited JinkoSolar Technology (Haining) Co., Ltd. Lightway Green New Energy Co., Ltd. Longi Solar Technology Co. Ltd.; Lerri Solar Technology Co., Ltd. Ningbo ETDZ Holdings, Ltd. Ningbo Qixin Solar Electrical Appliance Co., Ltd. Renesola Jiangsu Ltd. Risen Energy Co. Ltd.; Risen Energy (Changzhou) Co., Ltd.; Risen (Wuhai) New Energy Co., Ltd.; Zhejiang Twinsel Electronic Technology Co., Ltd.; Risen (Luoyang) New Energy Co., Ltd.; Jiujiang Shengchao Xinye Technology Co., Ltd.; Jiujiang Shengzhao Xinye Trade Co., Ltd.; Ruichang Branch, Risen Energy (HongKong) Co., Ltd. Shanghai BYD Co., Ltd. Shanghai JA Solar Technology Co., Ltd. Shenzhen Sungold Solar Co., Ltd. Shenzhen Topray Solar Co., Ltd.	

	Period to be reviewed
<p>Shenzhen Yingli New Energy Resources Co., Ltd.; Baoding Jiasheng Photovoltaic Technology Co., Ltd.; Baoding Tianwei Yingli New Energy Resources Co., Ltd.; Beijing Tianneng Yingli New Energy Resources Co., Ltd.; Hainan Yingli New Energy Resources Co., Ltd.; Hengshui Yingli New Energy Resources Co., Ltd.; Lixian Yingli New Energy Resources Co., Ltd.; Tianjin Yingli New Energy Resources Co., Ltd.; Yingli Energy (China) Company Limited</p> <p>Sumec Hardware & Tools Co., Ltd.</p> <p>Suntech Power Co., Ltd.</p> <p>Taizhou BD Trade Co., Ltd.</p> <p>tenKsolar (Shanghai) Co., Ltd.</p> <p>Wuxi Suntech Power Co., Ltd./Luoyang Suntech Power Co., Ltd.</p> <p>Wuxi Tianran Photovoltaic Co., Ltd.</p> <p>Xiamen Yiyusheng Solar Co., Ltd.</p> <p>Yingli Green Energy International Trading Company Limited</p> <p>Zhejiang Aiko Solar Energy Technology Co., Ltd.</p> <p>Zhejiang Jinko Solar Co., Ltd.</p> <p>Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company</p> <p>The People's Republic of China: Mattresses, A-570-092</p> <p>Dockter China Limited</p> <p>Dongguan Beijianing Household Products Co., Ltd. (a.k.a. Better Zs, Ltd.)</p> <p>Dongguan Sinohome Limited</p> <p>Foshan Chiland Furniture Co., Ltd</p> <p>Foshan City Jinxingma Furniture Manufacture Co., Ltd</p> <p>Foshan City Kewei Furniture Co., Ltd</p> <p>Foshan City Shunde Haozuan Furniture Co., Ltd</p> <p>Foshan Coir Mat Furniture Co., Ltd</p> <p>Foshan EON Technology Industry Co., Ltd</p> <p>Foshan Mengruo Household Furniture Co., Ltd</p> <p>Foshan Qisheng Sponge Co., Ltd</p> <p>Foshan Ruixin Non Woven Co., Ltd</p> <p>Foshan Suilong Furniture Co. Ltd</p> <p>Foshan Ziranbao Furniture Co., Ltd</p> <p>Guangdong Diglant Furniture Industrial Co., Ltd</p> <p>Healthcare Co., Ltd</p> <p>Healthcare Sleep Products Limited</p> <p>Hong Kong Gesin Technology Limited</p> <p>Huizhou Lemeijia Household Products Co., Ltd. (a.k.a. Better Zs, Ltd.)</p> <p>Jinlongheng Furniture Co., Ltd</p> <p>Jiangsu Wellcare Household Articles Co., Ltd</p> <p>Jiashan Nova Co., Ltd</p> <p>Jiaxing Taien Springs Co., Ltd</p> <p>Jiaxing Visco Foam Co., Ltd</p> <p>Inno Sports Co., Ltd</p> <p>Luen Tai Global Limited</p> <p>Luen Tai Group (China) Limited</p> <p>Man Wah Furniture Manufacturing (Hui Zhou) Co., Ltd., Man Wah (MACAO Commercial Offshore), Ltd. and Man Wah (USA), Inc.</p> <p>Ningbo Megafeat Bedding Co., Ltd</p> <p>Ningbo Shuibishen Home Textile Technology Co., Ltd</p> <p>Nisco Co., Ltd</p> <p>Quanzhou Hengang Imp. & Exp. Co., Ltd</p> <p>Quanzhou Hengang Industries Co., Ltd</p> <p>Shanghai Glory Home Furnishings Co., Ltd</p> <p>Shenzhen L&T Industrial Co., Ltd</p> <p>Sinomax (Zhejiang) Polyurethane Technology Ltd</p> <p>Sinomax Macao Commercial Offshore Limited</p> <p>Wings Developing Co., Limited</p> <p>Xianghe Kaneman Furniture Co., Ltd</p> <p>Xilinmen Furniture Co., Ltd</p> <p>Zhejiang Glory Home Furnishings Co., Ltd</p> <p>Zinus Inc.</p> <p>Zinus Xiamen Inc.</p> <p>Zinus Zhangzhou Inc.</p>	6/4/19-11/30/20
<p>The People's Republic of China: Multilayered Wood Flooring, A-570-970</p> <p>A&W (Shanghai) Woods Co., Ltd.</p> <p>Anhui Boya Bamboo & Wood Products Co., Ltd.</p> <p>Anhui Longhua Bamboo Product Co., Ltd.</p> <p>Anhui Yaolong Bamboo & Wood Products Co. Ltd.</p> <p>Armstrong Wood Products (Kunshan) Co., Ltd.⁵</p> <p>Armstrong World Industries Inc.</p> <p>Baroque Timber Industries (Zhongshan) Co., Ltd.⁶</p> <p>Benxi Flooring Factory (General Partnership)</p> <p>Benxi Wood Company</p> <p>Changzhou Hawd Flooring Co., Ltd.</p> <p>Chinafloors Timber (China) Co., Ltd.</p>	12/1/19-11/30/20

	Period to be reviewed
<p> Dalian Dajen Wood Co., Ltd. Dalian Deerfu Wooden Product Co., Ltd. Dalian Guhua Wooden Product Co., Ltd. Dalian Huade Wood Product Co., Ltd. Dalian Huilong Wooden Products Co., Ltd. Dalian Jaenmaken Wood Industry Co., Ltd. Dalian Jiahong Wood Industry Co., Ltd. Dalian Kemian Wood Industry Co., Ltd. Dalian Penghong Floor Products Co., Ltd./Dalian Shumaike Floor Manufacturing Co., Ltd. Dalian Qianqiu Wooden Product Co., Ltd., Fusong Jinlong Wooden Group Co., Ltd., Fusong Jinqiu Wooden Product Co., Ltd., and Fusong Qianqiu Wooden Product Co., Ltd. (collectively, Fusong Jinlong Group) Dalian Shengyu Science And Technology Development Co., Ltd. Dalian T-Boom Wood Products Co., Ltd. Dongtai Fuan Universal Dynamics, LLC Dun Hua Sen Tai Wood Co., Ltd. Dunhua City Dexin Wood Industry Co., Ltd. Dunhua City Hongyuan Wood Industry Co., Ltd. Dunhua City Jisen Wood Industry Co., Ltd.⁷ Dunhua Shengda Wood Industry Co., Ltd Fine Furniture (Shanghai) Limited⁸ Guangzhou Homebon Timber Manufacturing Co., Ltd. Guangzhou Panyu Kangda Board Co., Ltd. Guangzhou Panyu Southern Star Co., Ltd. HaiLin LinJing Wooden Products Co., Ltd. Hangzhou Hanje Tec Company Limited Hangzhou Zhengtian Industrial Co., Ltd. Hunchun Forest Wolf Wooden Industry Co., Ltd. Hunchun Xingjia Wooden Flooring Inc. Huzhou Chenghang Wood Co., Ltd Huzhou Fulinmen Imp. & Exp. Co., Ltd. Huzhou Jesonwood Co., Ltd. Huzhou Sunergy World Trade Co., Ltd. Innomaster Home (Zhongshan) Co., Ltd. Jiafeng Wood (Suzhou) Co., Ltd. Jiangsu Guyu International Trading Co., Ltd Jiangsu Keri Wood Co., Ltd. Jiangsu Mingle Flooring Co., Ltd Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. Jiangsu Simba Flooring Co., Ltd. Jiangsu Yuhui International Trade Co., Ltd. Jiashan HuiJiaLe Decoration Material Co., Ltd. Jiashan On-Line Lumber Co., Ltd. Jiaxing Hengtong Wood Co., Ltd. Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. Jilin Xinyuan Wooden Industry Co., Ltd. Karly Wood Product Limited Kember Flooring, Inc. (a.k.a. Kember Hardwood Flooring, Inc.) Kemian Wood Industry (Kunshan) Co., Ltd. Kingman Floors Co., Ltd. Kingman Wood Industry Co., Ltd. Lauzon Distinctive Hardwood Flooring, Inc. Linyi Anying Wood Co., Ltd. Linyi Bonn Flooring Manufacturing Co., Ltd. Linyi Youyou Wood Co., Ltd. Metropolitan Hardwood Floors, Inc. Muchsee Wood (Chuzhou) Co., Ltd. Mudanjiang Bosen Wood Industry Co., Ltd. Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd. Omni Arbor Solutions Co., Ltd. Pinge Timber Manufacturing (Zhejiang) Co., Ltd. Power Dekor Group Co., Ltd. Power Dekor North America Inc. Scholar Home (Shanghai) New Material Co., Ltd. Shandong Longteng Wood Co., Ltd. Shanghai Lairunde Wood Co., Ltd. Shanghaifloor Timber (Shanghai) Co., Ltd. Shenyang Haobainian Wooden Co., Ltd. Shenzhenshi Huanwei Woods Co., Ltd. Sino-Maple (Jiangsu) Co., Ltd. Suzhou Dongda Wood Co., Ltd. Tongxiang Jisheng Import and Export Co., Ltd. Xiamen Yung De Ornament Co., Ltd. Xuzhou Antop International Trade Co., Ltd. Xuzhou Shenghe Wood Co., Ltd. </p>	

	Period to be reviewed
<p>Yekalon Industry Inc. Yihua Lifestyle Technology Co., Ltd. (successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd.) Yingyi-Nature (Kunshan) Wood Industry Co., Ltd. Zhejiang Biyork Wood Co., Ltd. Zhejiang Dadongwu Greenhome Wood Co., Ltd.⁹ Zhejiang Fudeli Timber Industry Co., Ltd. Zhejiang Fuerjia Wooden Co., Ltd. Zhejiang Jiechen Wood Industry Co., Ltd. Zhejiang Longsen Lumbering Co., Ltd. Zhejiang Shiyou Timber Co., Ltd. Zhejiang Shuimojiangnan New Material Technology Co., Ltd. Zhejiang Simite Wooden Co., Ltd.</p>	
<p>The People's Republic of China: Refillable Stainless Steel Kegs, A-570-093</p>	12/13/19-11/30/20
<p>Equipmentimes (Dalian) E-Commerce Co., Ltd. Guangzhou Jingye Machinery Co., Ltd. Guangzhou Ulix Industrial & Trading Co., Ltd. Jinan HaoLu Machinery Equipment Co., Ltd. NDL Keg Qingdao Inc. Ningbo BestFriends Beverage Containers Industry Co., Ltd. Ningbo Chance International Trade Co., Ltd. Ningbo Direct Import & Export Co., Ltd. Ningbo Haishu Direct Import and Export Trade Co., Ltd. Ningbo Haishu Xiangsheng Metal Factory Ningbo Hefeng Container Manufacturer Co., Ltd. Ningbo Hefeng Kitchen Utensils Manufacture Co., Ltd. Ningbo HGM Food Machinery Co., Ltd. Ningbo Jiangbei Bei Fu Industry and Trade Co., Ltd. Ningbo Kegco International Trade Co., Ltd. Ningbo Minke Import & Export Co., Ltd. Ningbo Sanfino Import & Export Co., Ltd. Ningbo Shimaotong International Co., Ltd. Ningbo Sunburst International Trading Co., Ltd. Orient Equipment (Taizhou) Co., Ltd. Penglai Jinfu Stainless Steel Products Qingdao Henka Precision Technology Co., Ltd. Rain Star International Trading Dalian Co., Ltd. Shandong Tiantai Beer Equipment Co., Ltd. Shandong Tonsen Equipment Co., Ltd. Sino Dragon Group, Ltd. Wenzhou Deli Machinery Equipment Co. Wuxi Taihu Lamps and Lanterns Co., Ltd. Yantai Toptech Ltd. Yantai Trano New Material Co., Ltd</p>	
<p>Turkey: Welded Line Pipe, A-489-822</p>	12/1/19-11/30/20
<p>Borusan Istikbal Ticaret Borusan Mannesmann Boru Sanayi ve Ticaret A. Cayirova Boru Sanayii ve Ticaret A.S. Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti. Emek Boru Makina Sanayi ve Ticaret A.S. Erbosan Erciyas Tube Industry and Trade Co. Inc. Erciyas Celik Boru Sanayii A.S. Guyen Celik Boru Sanayii ve Ticaret Ltd. Sti. Has Altinyagmur celik Boru Sanayii ve Ticaret Ltd. Sti. HDM Steel Pipe Industry & Trade Co. Ltd. Metalteks Celik Urunleri Sanayii MMZ Onur Boru Profil Uretim Sanayii ve Ticaret A.S. Noksel Steel Pipe Co. Inc. Ozbal Celik Boru Toscelik Profile and Sheet Industry, Co. Tosyali Dis Ticaret A.S. Umran Celik Boru Sanayii YMS Pipe & Metal Sanayii A.S. Yucelboru Ihracat Ithalat Pazzarlam</p>	
<p>United Arab Emirates: Circular Welded Carbon-Quality Steel Pipe, A-520-807</p>	12/1/19-11/30/20
<p>Ajmal Steel Tubes and Pipes Industries, LLC Conares Metal Supply Limited K.D. Industries Inc. KHK Scaffolding and Framework LLC THL Tube and Pipe Industries LLC Tiger Steel Industries LLC TSI Metal Industries LLC (formerly Tiger Steel Industries LLC) Universal Tube and Plastic Industries, Ltd.</p>	
CVD Proceedings	
<p>The People's Republic of China: Aluminum Wire and Cable, C-570-096</p>	4/8/19-12/31/20

	Period to be reviewed
<p>ICF Cable Jin Tiong Electrical Materials Manufacturer PTE. Limited The People's Republic of China: Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled Into Modules, C-570-980</p> <p>Anji DaSol Solar Energy Science & Technology Co., Ltd. Astronergy Co., Ltd. Astronergy Solar Baoding Jiasheng Photovoltaic Technology Co., Ltd. Baoding Tianwei Yingli New Energy Resources Co. Ltd. Boviet Solar Technology Co., Ltd. BYD (Shangluo) Industrial Co., Ltd. Canadian Solar International Limited Canadian Solar Manufacturing (Changshu) Inc. Canadian Solar Manufacturing (Luoyang) Inc. Changzhou Trina Solar Energy Co., Ltd. Changzhou Trina Solar Yabang Energy Co., Ltd. Chint New Energy Technology (Haining) Co., Ltd. Chint Solar (Hong Kong) Company Limited Chint Solar (Jiuquan) Co., Ltd. Chint Solar (Zhejiang) Co., Ltd. CSI Cells Co., Ltd. CSI Modules (Dafeng) Co., Ltd. CSI-GCL Solar Manufacturing (Yancheng) Co., Ltd. DelSolar (Wujiang) Ltd. DelSolar Co., Ltd. De-Tech Trading Limited HK Dongguan Sunworth Solar Energy Co., Ltd. Eoply New Energy Technology Co., Ltd. ERA Solar Co., Ltd. ET Solar Energy Limited Fuzhou Sunmodo New Energy Equipment Co., Ltd. GCL System Integration Technology Co. Ltd Hainan Yingli New Energy Resources Co., Ltd. Hangzhou Sunny Energy Science and Technology Co., Ltd. Hengdian Group DMEGC Magnetics Co. Ltd. Hengshui Yingli New Energy Resources Co., Ltd. Hubei Trina Solar Energy Co., Ltd. JA Solar Co., Ltd. (aka JingAo Solar Co., Ltd.) JA Solar (Xingtai) Co., Ltd. JA Solar Technology Yangzhou Co., Ltd. Jiangsu High Hope Int'l Group Jiawei Solarchina (Shenzhen) Co., Ltd. Jiawei Solarchina Co., Ltd. Jinko Solar Co., Ltd. Jinko Solar Import and Export Co., Ltd. Jinko Solar International Limited JinkoSolar Technology (Haining) Co., Ltd. LERRI Solar Technology Co., Ltd. Light Way Green New Energy Co., Ltd. Lixian Yingli New Energy Resources Co., Ltd. Longi (HK) Trading Ltd. LONGi Solar Technology Co. Ltd. Ningbo ETDZ Holdings, Ltd. Ningbo Qixin Solar Electrical Appliance Co., Ltd. ReneSola Jiangsu Ltd. Renesola Zhejiang Ltd. Risen Energy Co., Ltd. Shanghai BYD Co., Ltd. Shanghai JA Solar Technology Co., Ltd. Shenzhen Sungold Solar Co., Ltd. Shenzhen Topray Solar Co., Ltd. Shenzhen Yingli New Energy Resources Co., Ltd. Sumec Hardware & Tools Co., Ltd. Sunpreme Solar Technology (Jiaxing) Co., Ltd. Suntech Power Co., Ltd. Suntimes Technology Co., Limited Systemes Versilis, Inc. Taimax Technologies Inc. Taizhou BD Trade Co., Ltd. Talesun Energy Talesun Solar tenKsolar (Shanghai) Co., Ltd. Tianjin Yingli New Energy Resources Co., Ltd. Tianneng Yingli New Energy Resources Co., Ltd.</p>	<p>1/1/19-12/31/19</p>

	Period to be reviewed
<p>Toenergy Technology Hangzhou Co., Ltd. Trina Solar Co., Ltd. Trina Solar (Changzhou) Science and Technology Co., Ltd. Turpan Trina Solar Energy Co., Ltd. Wuxi Suntech Power Co., Ltd. Luoyang Suntech Power Co., Ltd. Wuxi Tianran Photovoltaic Co., Ltd. Yancheng Trina Solar Energy Technology Co., Ltd. Yingli Energy (China) Company Ltd. Yingli Green Energy International Trading Company Limited Zhejiang ERA Solar Technology Co., Ltd. Zhejiang Jinko Solar Co., Ltd. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company</p>	
<p>The People's Republic of China: Multilayered Wood Flooring, C-570-971</p>	1/1/19-12/31/19
<p>A&W (Shanghai) Woods Co., Ltd. Anhui Boya Bamboo & Wood Products Co., Ltd. Anhui Longhua Bamboo Product Co., Ltd. Anhui Suzhou Dongda Wood Co., Ltd. Anhui Yaolong Bamboo & Wood Products Co. Ltd. Armstrong Wood Products (Kunshan) Co., Ltd. Baishan Huafeng Wooden Product Co., Ltd. Baiying Furniture Manufacturer Co., Ltd. Baroque Timber Industries (Zhongshan) Co., Ltd. Benxi Flooring Factory (General Partnership) Benxi Wood Company Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd. Changzhou Hawd Flooring Co., Ltd. Cheng Hang Wood Co., Ltd. Chinafloors Timber (China) Co., Ltd. Dalian Dajen Wood Co., Ltd. Dalian Deerfu Wooden Product Co., Ltd. Dalian Guhua Wooden Product Co., Ltd. Dalian Huade Wood Product Co., Ltd. Dalian Huilong Wooden Products Co., Ltd. Dalian Jaenmaken Wood Industry Co., Ltd. Dalian Jiahong Wood Industry Co., Ltd. Dalian Jinda Wood Products Corporation Dalian Jiuyuan Wood Industry Co., Ltd. Dalian Kemian Wood Industry Co., Ltd. Dalian Meisen Woodworking Dalian Penghong Floor Products Co., Ltd. Dalian Qianqiu Wooden Product Co., Ltd. Dalian Shengyu Science and Technology Development Co., Ltd. Dalian Shumaikie Floor Manufacturing Co., Ltd. Dalian T-Boom Wood Products Co., Ltd. Dalian Xinjinhua Wood Co., Ltd. Dongtai Fuan Universal Dynamics, LLC Dongtai Zhangshi Wood Industry Co. Ltd. Dun Hua Sen Tai Wood Co., Ltd. Dunhua City Dexin Wood Industry Co., Ltd. Dunhua City Hongyuan Wood Industry Co., Ltd. Dunhua City Jisen Wood Industry Co., Ltd. Dunhua City Wanrong Wood Industry Co., Ltd. Dunhua Shengda Wood Industry Co., Ltd. Fine Furniture (Shanghai) Limited Fu Lik Timber (HK) Co., Ltd. Fujian Wuyishan Werner Green Industry Co., Ltd. Furnco International Shanghai Company Fusong Jinlong Wooden Group Co., Ltd. Fusong Jinqiu Wooden Product Co., Ltd. Fusong Qianqiu Wooden Product Co., Ltd. Gaotang Weilong Industry and Trade Gold Seagull Shanghai Flooring GTP International Ltd. Guangdong Fu Lin Timber Technology Limited Guangdong Yihua Timber Industry Co., Ltd. Guangzhou Homebon Timber Manufacturing Co., Ltd. Guangzhou Panyu Kangda Board Co., Ltd. Guangzhou Panyu Southern Star Co., Ltd. HaiLin LinJing Wooden Products, Co. Ltd. HaiLin XinCheng Wooden Products, Ltd. Hangzhou Dazhuang Floor Co., Ltd. (DBA Dasso Industrial Group Co., Ltd.) Hangzhou Hanje Tec Company Limited Hangzhou Huahi Wood Industry Co., Ltd.</p>	

	Period to be reviewed
<p>Hangzhou Zhengtian Industrial Co., Ltd. Henan Xingwangjia Technology Co., Ltd. Hong Kong Easoon Wood Technology Co., Ltd. Huaxin Jiasheng Wood Co., Ltd. Huber Engineering Wood Corp. Hunchun Forest Wolf Wooden Industry Co., Ltd. Hunchun Xingjia Wooden Flooring Inc. Huzhou Chenghang Wood Co., Ltd. Huzhou City Nanxun Guangda Wood Co., Ltd. Huzhou Daruo Import And Export Huzhou Fulinmen Imp. & Exp. Co., Ltd. Huzhou Fuma Wood Co., Ltd. Huzhou Jesonwood Co., Ltd. Huzhou Laike Import and Export Co Huzhou Muyun Wood Co., Ltd. Huzhou Sunergy World Trade Co., Ltd. Innomaster Home (Zhongshan) Co., Ltd. Jesonwood Forest Products ZJ Jiafeng Wood (Suzhou) Co., Ltd. Jiangsu Guyu International Trading Co., Ltd. Jiangsu Kentier Wood Co., Ltd. Jiangsu Keri Wood Co., Ltd. Jiangsu Mingle Flooring Co., Ltd. Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. Jiangsu Simba Flooring Co., Ltd. Jiangsu Yuhui International Trade Co., Ltd. Jiashan Fengyun Timber Co., Ltd. Jiashan HuiJiaLe Decoration Material Co., Ltd. Jiashan On-Line Lumber Co., Ltd. Jiaxing Brilliant Import & Export Co., Ltd. Jiaxing Hengtong Wood Co., Ltd. Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. Jilin Xinyuan Wooden Industry Co., Ltd. Karly Wood Product Limited Kemian Wood Industry (Kunshan) Co., Ltd. Kingman Floors Co., Ltd. Kingman Wood Industry Co., Ltd. Kunming Alston (AST) Wood Products Co., Ltd. Lauzon Distinctive Hardwood Flooring Liaoning Daheng Timber Group Linyi Anying Wood Co., Ltd. Linyi Youyou Wood Co., Ltd. (successor-in-interest to Shanghai Lizhong Wood Products Co., Ltd.) (a/k/a The Lizhong Wood Industry Limited Company of Shanghai) Linyi Bonn Flooring Manufacturing Co., Ltd. Max Choice Wood Industry Muchsee Wood (Chuzhou) Co., Ltd. Mudanjiang Bosen Wood Industry Co., Ltd. Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd. Nanjing Minglin Wooden Industry Co., Ltd. Ningbo Tianyi Bamboo and Wood Products Co., Ltd. Pinge Timber Manufacturing (Zhejiang) Co., Ltd. Power Dekor Group Co. Ltd. Power Dekor North America Inc. PT. Tanjung Kreasi Parquet Industry Qingdao Barry Flooring Co., Ltd. Qingdao Wisdom International Riverside Plywood Corporation Samling Riverside Co., Ltd. Scholar Home (Shanghai) New Material Co. Ltd. Shandong Kaiyuan Wood Industry Co., Ltd. Shandong Longteng Wood Co., Ltd. Shandong Puli Trading Co., Ltd. Shanghai Anxin (Weiguang) Timber Co., Ltd. Shanghai Demeija Timber Co., Ltd. Shanghai Eswell Timber Co., Ltd. Shanghai Lairunde Wood Shanghai Lairunde Wood Co., Ltd. Shanghai Lizhong Wood Products Co., Ltd. (a/k/a The Lizhong Wood Industry Limited Company of Shanghai) Shanghai New Sihe Wood Co., Ltd. Shanghai Shenlin Corporation Shanghaifloor Timber (Shanghai) Co., Ltd. Shenyang Haobainian Wooden Co., Ltd. Shenyang Sende Wood Co., Ltd. Shenzhenshi Huanwei Woods Co., Ltd.</p>	

	Period to be reviewed
Sino-Maple (Jiangsu) Co., Ltd. Suifenhe Chengfeng Trading Co., Ltd. Sunyoung Wooden Products Suzhou Anxin Weiguang Timber Co., Ltd. Suzhou Dongda Wood Co., Ltd. Suzhou Times Flooring Co., Ltd. Tak Wah Building Material (Suzhou) Co. The Greenville Flooring Co., Ltd. Tongxiang Jisheng Import and Export Co., Ltd. Topocean Consolidation Service Vicwood Industry (Suzhou) Co. Ltd. Xiamen Yung De Ornament Co., Ltd. Xuzhou Antop International Trade Co., Ltd. Xuzhou Shenghe Wood Co., Ltd. Yekalon Industry, Inc. Yihua Lifestyle Technology Co., Ltd. Yingyi-Nature (Kunshan) Wood Industry Co., Ltd. Yixing Lion-King Timber Industry Zhejiang Anji Xinfeng Bamboo And Wood Industry Co., Ltd. Zhejiang Biyork Wood Co., Ltd. Zhejiang Dadongwu Auto Elect Motor Zhejiang Dadongwu GreenHome Wood Co., Ltd. (a/k/a Zhejiang Dadongwu Greenhome Wood Co., Ltd., Zhejiang Dadongwu Green Home Wood Co., Ltd.) Zhejiang Desheng Wood Industry Co., Ltd. Zhejiang Fudeli Timber Industry Co., Ltd. Zhejiang Fuerjia Wooden Co., Ltd. Zhejiang Fuma Warm Technology Co., Ltd. Zhejiang Haoyun Wooden Co., Ltd. Zhejiang Jesonwood Co., Ltd. Zhejiang Jiaye Flooring Zhejiang Jiechen Wood Industry Co., Ltd. Zhejiang Longsen Lumbering Co., Ltd. Zhejiang Shiyou Timber Co., Ltd. Zhejiang Shuimojiangnan New Material Technology Co., Ltd. Zhejiang Simite Wooden Co., Ltd. Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd. Zhejiang Yongyu Bamboo Joint-Stock Co., Ltd.	
The People's Republic of China: Refillable Stainless Steel Kegs, C-570-094	12/13/19-12/31/19
Suspension Agreements	
Mexico: Fresh Tomatoes, ¹⁰ A-201-820	9/19/19-8/31/20
Mexico: Sugar, A-201-845	12/1/19-11/30/20
Mexico: Sugar, ¹¹ C-201-846	1/1/20-12/31/20
Deferral of Initiation of Administrative Review	
Oman: Circular Welded Carbon-Quality Steel Pipe, ¹² A-523-812	12/1/19-11/30/20
Al Jazeera Steel Products Co. SAOG	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling

⁵ Commerce is only reviewing entries where Armstrong Wood Products (Kunshan) Co., Ltd. was the exporter but not the producer of subject merchandise.

⁶ Commerce is only reviewing entries where Baroque Timber Industries (Zhongshan) Co., Ltd. was the exporter but not the producer of subject merchandise.

⁷ Commerce is only reviewing entries where Dunhua City Jisen Wood Industry Co., Ltd. was the exporter but not the producer of subject merchandise.

⁸ Commerce is only reviewing entries where Fine Furniture (Shanghai) Limited and/or Double F Limited was the exporter but Fine Furniture (Shanghai) Limited was not the producer of subject merchandise.

⁹ Other variations of this company's name are Zhejiang Dadongwu GreenHome Wood Co., Ltd. and Zhejiang Dadongwu Green Home Wood Co., Ltd.

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

¹⁰ In the initiation notice that published on October 30, 2020 (85 FR 68840) Commerce inadvertently listed the wrong period of review for the referenced case above. The correct period of review is listed in this notice.

¹¹ In the opportunity notice that published on December 2, 2020 (85 FR 77431) Commerce inadvertently listed the wrong period of review for the referenced case above. The correct period of review is listed in this notice.

¹² Pursuant to 19 CFR 351.213(c), Commerce received a request from Al Jazeera Steel Products Co. SAOG to defer the administrative review with respect to itself for one year. Commerce did not receive any objections to the deferral within 15 days after the end of the anniversary month. As such, we will initiate the administrative review with respect to Al Jazeera Steel Products Co. SAOG in the month immediately following the next anniversary month.

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*,¹³ 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

¹³ 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/lei/notices/factual_info_final_rule_FAQ_07172013.pdf.

containing business proprietary information, until further notice.¹⁴

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*.¹⁵ Commerce intends to 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.¹⁶ 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

¹⁴ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

¹⁵ See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹⁶ See 19 CFR 351.302.

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: February 1, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02348 Filed 2–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the antidumping duty order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Sunset Reviews” section of this notice.

DATES: Applicable February 4, 2021.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2019, Commerce published the *Notice of Initiation* of the five-year review of the antidumping duty order on fish fillets from Vietnam, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).¹ On October 11, 2019, Commerce received a notice of intent to participate in this review from the domestic interested parties,² within the deadline specified

¹ See *Initiation of Five-Year (Sunset) Reviews*, 84 FR 52067 (October 1, 2019) (*Notice of Initiation*).

² These parties are: Catfish Farmers of America and individual U.S. catfish processors America's Catch, Inc., Alabama Catfish, LLC d/b/a Harvest Select Catfish, Inc., Consolidated Catfish Companies, LLC d/b/a Country Select Catfish, Delta Pride Catfish, Inc., 1 Guidry's Catfish, Inc., Heartland Catfish Company, Magnolia Processing, Inc. d/b/a Pride of the Pond, and Simmons Farm Raised Catfish, Inc. (collectively, domestic interested parties).

in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers, producers, or wholesalers of a domestic like product in the United States. On October 31, 2019, the domestic interested parties provided a complete substantive response for this review within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from any other interested parties, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the order.

Scope of the Order

The merchandise covered by the order is certain frozen fish fillets. For a full description of the scope, *see* the Issues and Decision Memorandum.³

Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the orders were revoked, are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the antidumping duty order on fish fillets from Vietnam would likely lead to continuation or recurrence of dumping and that the magnitude of the margins is up to 63.88 percent.

³ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Notification Regarding Administrative Protective Order (APO)

This notice serves as the only reminder to interested parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Dated: January 29, 2021.

Jeffrey I. Kessler,

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. History of the Order
- V. Discussion of the Issues
- VI. Final Results of Sunset Review
- VII. Recommendation

[FR Doc. 2021-02347 Filed 2-3-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [A-549-820]

Prestressed Concrete Steel Wire Strand From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that The Siam Industrial Wire Co., Ltd. (SIW) did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR) January 1, 2018 through December 31, 2018. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable February 4, 2021.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Samantha Kinney, 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) 482-1766 or (202) 482-2285, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 2019, based on a timely request for review filed by the petitioners,¹ we initiated an administrative review on prestressed concrete steel wire strand (PC Strand) from Thailand for SIW,² the only company for which a review was requested.³ In September 2019, we extended the preliminary results of this review to no later than January 31, 2020.⁴ For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁵

Scope of the Order

The product covered by the Order⁶ is PC Strand from Thailand. Products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7312.10.3010 and 7312.10.3012. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive. For a full description of the scope of the Order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B)

¹ The petitioners are Insteel Wire Products Company, Sumiden Wire Products Corporation, and WMC Steel, LLC (collectively, the petitioners).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 12200 (April 1, 2019).

³ See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Thailand: Petitioners' Request for 2018 Administrative Review," dated February 28, 2019.

⁴ See Memorandum, "Prestressed Concrete Steel Wire Strand from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2018," dated September 24, 2019.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Results of the 2018 Antidumping Duty Administrative Review: Prestressed Concrete Steel Wire Strand from Thailand," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁶ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from Thailand*, 69 FR 4111 (January 28, 2004) (Order); *see also Prestressed Concrete Steel Wire Strand from Brazil, India, Japan, the Republic of Korea, Mexico, and Thailand: Continuation of the Antidumping Duty Finding/Orders and Countervailing Duty Order*, 80 FR 22708 (April 23, 2015).

and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. 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. The Preliminary Decision Memorandum is a public document and is 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 <https://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://enforcement.trade.gov/frn/index.htm>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

As a result of this review, Commerce preliminarily determines that a weighted-average dumping margin of 0.00 percent exists for SIW for the period January 1, 2018 through December 31, 2018.⁷

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.⁸ Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.⁹ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing 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 the issue; (2) a brief summary of the argument; and (3) a table of authorities.¹¹ Case and rebuttal briefs should be filed using ACCESS.¹²

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, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.¹³ Hearing 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 issues raised in the briefs. If a request for a hearing is made, Commerce intends to notify parties of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.¹⁴

An electronically-filed document must be received successfully in its entirety via ACCESS by 5 p.m. Eastern Time on the established deadline.

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 otherwise extended.¹⁵

Assessment Rates

Upon publication of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁶

If SIW's calculated 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 assessment *ad valorem* rates based on the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If SIW's weighted-average dumping margin continues to be zero or *de minimis*, or the importer-specific assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.¹⁷

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 duties, where applicable.

In accordance with our "automatic assessment" practice, for entries of

subject merchandise during the POR produced by SIW for which SIW did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for 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.¹⁸

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

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 SIW will be the rate 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 rate will be zero; (2) for companies not participating in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently-completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the cash deposit 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 12.91 percent, the all-others rate established in the LTFV investigation.¹⁹ These 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 Commerce's presumption that

⁷ See Preliminary Decision Memorandum.

⁸ See 19 CFR 351.224(b).

⁹ See 19 CFR 351.309(c)(1)(ii).

¹⁰ See 19 CFR 351.309(d).

¹¹ See 19 CFR 351.309(c)(2) and (d)(2).

¹² See 19 CFR 351.303.

¹³ See 19 CFR 351.310(c).

¹⁴ See 19 CFR 351.310(d).

¹⁵ See section 751(a)(3)(A) of the Act.

¹⁶ See 19 CFR 351.212(b)(1).

¹⁷ See 19 CFR 351.106(c)(2).

¹⁸ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁹ See *Order*.

reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 29, 2021.

Jeffrey I. Kessler,

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. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2021-02344 Filed 2-3-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-832]

Pure Magnesium From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2018-2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting the administrative review of the antidumping duty order on pure magnesium from the People's Republic of China (China), covering the period May 1, 2018 through April 30, 2019. Commerce preliminarily determines that Tianjin Magnesium International, Co., Ltd. and Tianjin Magnesium Metal, Co., Ltd. (collectively TMI/TMM) did not have reviewable entries during the period of review (POR). We invite interested parties to comment on these preliminary results.

DATES: Applicable February 4, 2021.

FOR FURTHER INFORMATION CONTACT: 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) 482-5449.

Background

On May 1, 2019, Commerce published a notice of opportunity to request an administrative review of the

antidumping duty order on pure magnesium from China for the POR.¹ On July 15, 2019, in response to a timely request from the petitioner,² and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on pure magnesium from China with respect to TMI/TMM.³

Scope of the Order

The product covered by this antidumping duty order is pure magnesium from China, regardless of chemistry, form or size, unless expressly excluded from the scope of the order. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as “ultra pure” magnesium) Magnesium Alloy⁴ and are thus outside the scope of the existing antidumping orders on magnesium from China (generally referred to as “alloy” magnesium).

(2) Products that contain less than 99.95%, but not less than 99.8%, primary magnesium, by weight

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 18479 (May 1, 2019).

² See US Magnesium LLC's Letter, “Pure Magnesium from the People's Republic of China: Request for Administrative Review,” dated May 31, 2019.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 33739 (July 15, 2019). In the 2011-2012 administrative review of the order, Commerce collapsed TMM and TMI, and treated the companies as a single entity for purposes of the proceeding. Because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this administrative review. See *Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 79 FR 94 (January 2, 2014) and accompanying Issues and Decision Memorandum at Comment 5.

⁴ The meaning of this term is the same as that used by the American Society for Testing and Materials (ASTM) in its Annual Book for ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

(generally referred to as “pure” magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as “off-specification pure” magnesium).

“Off-specification pure” magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.*, length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the order are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Preliminary Determination of No Shipments

We received timely submissions from TMI/TMM certifying that they did not have sales, shipments, or exports of subject merchandise to the United States during the POR.⁵ On December 20, 2019, we requested the U.S. Customs and Border Protection (CBP) data file of entries of subject merchandise imported into the United States during the POR, and exported by TMI/TMM. This query

⁵ See TMI's Letter, “Pure Magnesium from the People's Republic of China, A-570-832; No Shipment Certification for Tianjin Magnesium International Co., Ltd.,” dated August 7, 2019; see also TMM's Letter, “Pure Magnesium from the People's Republic of China, A-570-832; No Shipment Certification for Tianjin Magnesium Metal Co., Ltd.,” dated August 7, 2019.

returned no entries during the POR.⁶ Additionally, we sent an inquiry to CBP requesting that any CBP officer alert Commerce if he/she had information contrary to TMI/TMM's no-shipments claims.⁷

Based on the available record information, and consistent with our practice, we preliminarily determine that TMI/TMM had no shipments and, therefore, no reviewable entries during the POR. In addition, we find it is not appropriate to rescind the review with respect to these companies but, rather, to complete the review with respect to TMI/TMM and issue appropriate instructions to CBP based on the final results of the review, consistent with our practice in non-market economy (NME) cases.⁸

Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice in the **Federal Register**.⁹ Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the date for filing case briefs.¹⁰ Parties who submit arguments are requested to submit with each argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.¹¹ Parties submitting briefs should do so pursuant to Commerce's electronic filing system: Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).¹² ACCESS is available to registered users at <https://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building.

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, U.S. Department of Commerce within 30 days of the date of publication of this notice. Hearing requests should contain the following information: (1) The party's name,

⁶ See Memorandum, "2018–2019 Administrative Review of Pure Magnesium from the People's Republic of China, U.S. Customs and Border Protection Data," dated January 28, 2020, at Attachment 1.

⁷ *Id.* at Attachment 2.

⁸ See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review 2014–2015*, 81 FR 72567 (October 20, 2016) and the "Assessment Rates" section, below.

⁹ See 19 CFR 351.309(c)(1)(ii).

¹⁰ See 19 CFR 351.309(d)(1) and (2).

¹¹ See 19 CFR 351.309(c)(2), (d)(2).

¹² See 19 CFR 351.303 (for general filing requirements).

address, and telephone number; (2) the number of participants; and (3) a list of the 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, parties will be notified of the time and date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

Unless extended, we intend to issue the final results of this administrative review, including our analysis of all issues raised in any written brief, within 120 days of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.¹³ We intend to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. Pursuant to Commerce's practice in NME cases, if we continue to determine in the final results that TMI/TMM had no shipments of subject merchandise, any suspended entries of subject merchandise during the POR from TMI/TMM will be liquidated at the China-wide rate.¹⁴

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 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 TMI/TMM, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI/TMM in the most recently completed review of the company; (2) for previously investigated or reviewed Chinese and non-Chinese exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (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 China-wide rate of 111.73 percent; and (4) for all non-

¹³ See 19 CFR 351.212(b)(1).

¹⁴ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

Chinese exporters of subject merchandise which have not received their own 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 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 period. Failure to comply with this requirement may result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice is issued in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 29, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–02345 Filed 2–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA711]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program

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

ACTION: Notification of standard prices and fee percentage.

SUMMARY: NMFS publishes the standard ex-vessel prices and fee percentage for cost recovery under the Central Gulf of Alaska (GOA) Rockfish Program (Rockfish Program). This action is intended to provide participants in a rockfish cooperative with the standard prices and fee percentage for the 2020 fishing year, which was authorized from May 1 through November 15. The fee percentage is 3.0 percent. The fee payments are due from each rockfish cooperative on or before February 15, 2021.

DATES: Valid on: February 4, 2021.

FOR FURTHER INFORMATION CONTACT:
Charmaine Weeks, 907-586-7231.

SUPPLEMENTARY INFORMATION:

Background

The rockfish fisheries are conducted in Federal waters near Kodiak, AK, by trawl and longline vessels. Regulations implementing the Rockfish Program are set forth at 50 CFR part 679. Exclusive harvesting privileges are allocated as quota share under the Rockfish Program for rockfish primary and secondary species. Each year, NMFS issues rockfish primary and secondary species cooperative quota (CQ) to rockfish quota shareholders to authorize harvest of these species. The rockfish primary species are northern rockfish, Pacific ocean perch, and dusky rockfish. In 2012, dusky rockfish replaced the pelagic shelf rockfish species group in the GOA Groundfish Harvest Specifications (77 FR 15194, March 14, 2012). The rockfish secondary species include Pacific cod, rougheye rockfish, shortraker rockfish, sablefish, and thornyhead rockfish. Rockfish cooperatives began fishing under the Rockfish Program on May 1, 2012.

The Rockfish Program is a limited access privilege program established under the provisions of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Sections 303A and 304(d) of the Magnuson-Stevens Act require NMFS to collect fees to recover the actual costs directly related to the management, data collection and analysis, and enforcement of any limited access privilege program. Therefore, NMFS is required to collect fees for the Rockfish Program under sections 303A and 304(d)(2) of the Magnuson-Stevens Act. Section 304(d)(2) of the Magnuson-Stevens Act also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program.

Standard Prices

NMFS calculates cost recovery fees based on standard ex-vessel value prices, rather than actual price data provided by each rockfish CQ holder. Use of standard ex-vessel prices is allowed under sections 303A and 304(d)(2) of the Magnuson-Stevens Act. NMFS generates a standard ex-vessel price for each rockfish primary and secondary species on a monthly basis to determine the average price paid per pound for all shoreside processors receiving rockfish primary and secondary species CQ.

Regulations at 50 CFR 679.85(b)(2) require the Regional Administrator to

publish rockfish standard ex-vessel values during the first quarter of each calendar year. The standard prices are described in U.S. dollars per pound for rockfish primary and secondary species CQ landings made during the previous year.

Fee Percentage

NMFS assesses a fee on the standard ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by a cooperative are deducted from the Federal total allowable catch. The rockfish entry level longline fishery and trawl vessels that opt out of joining a cooperative are not subject to cost recovery fees because those participants do not receive rockfish CQ. Specific details on the Rockfish Program's cost recovery provision may be found in the implementing regulations set forth at § 679.85.

NMFS informs—by letter—each rockfish cooperative of the fee percentage applied to the previous year's landings and the total amount due. Fees are due on or before February 15 of each year. Failure to pay on time will result in the permit holder's rockfish quota share becoming non-transferable, and the person will be ineligible to receive any additional rockfish quota share by transfer. In addition, cooperative members will not receive any rockfish CQ the following year until full payment of the fee is received by NMFS.

NMFS calculates and publishes in the **Federal Register** the fee percentage in the first quarter of each year according to the factors and methods described in Federal regulations at § 679.85(c)(2). NMFS determines the fee percentage that applies to landings made in the previous year by dividing the total Rockfish Program management, data collection and analysis, and enforcement costs (direct program costs) during the previous year by the total standard ex-vessel value of the rockfish primary species and rockfish secondary species for all rockfish CQ landings made during the previous year (fishery value). NMFS captures the direct program costs through an established accounting system that allows staff to track labor, travel, contracts, rent, and procurement. Fee collections in any given year may be less than or greater than the direct program costs and fishery value for that year, as the fee percentage is established by regulation in the first quarter of the calendar year based on the program costs and the

fishery value of the previous calendar year.

Using the fee percentage formula described above, the estimated percentage of program costs to value for the 2020 calendar year is 3.66 percent of the standard ex-vessel value; however, the fee percentage amount must not exceed 3 percent pursuant to section 304(d)(2)(B) of the Magnuson-Stevens Act. Therefore, the 2020 fee percentage is adjusted to 3.00 percent. The fee percentage for 2020 is equivalent to the 2019 fee percentage of 3.00 percent (85 FR 3647, January 22, 2020). Program costs for 2020 decreased in comparison to 2019 costs, however, the value of the fishery decreased by 26.2 percent resulting in a higher fee percentage prior to adjustments. The majority of the 2020 costs were a result of direct personnel and contract costs.

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2020 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA

Species	Period ending	Standard ex-vessel price per pound
Dusky rockfish *	May 31	\$0.13
	June 30	0.13
	July 31	0.13
	August 31	0.13
	September 30	0.13
	October 31	0.13
Northern rockfish	May 31	0.13
	June 30	0.13
	July 31	0.13
	August 31	0.13
	September 30	0.13
	October 31	0.13
Pacific cod	May 31	0.35
	June 30	0.35
	July 31	0.35
	August 31	0.35
	September 30	0.35
	October 31	0.35
Pacific ocean perch	May 31	0.13
	June 30	0.13
	July 31	0.13
	August 31	0.13
	September 30	0.13
	October 31	0.12
Rougheye rockfish	May 31	0.20
	June 30	0.20
	July 31	0.20
	August 31	0.20
	September 30	0.20
	October 31	0.20
Sablefish	May 31	0.55
	June 30	0.56
	July 31	0.57
	August 31	0.57
	September 30	0.57
	October 31	0.67
Shortraker rockfish	May 31	0.24
	June 30	0.25
	July 31	0.25
	August 31	0.25

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2020 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA—Continued

Species	Period ending	Standard ex-vessel price per pound
Thornyhead rockfish	September 30	0.25
	October 31	0.24
	November 30	0.25
	May 31	0.31
	June 30	0.20
	July 31	0.22
	August 31	0.22
	September 30	0.22
	October 31	0.08
	November 30	0.22

*The pelagic shelf rockfish species group has been changed to "dusky rockfish."

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447; Pub. L. 111–281.

Dated: February 1, 2021.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–02334 Filed 2–3–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA758]

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approved Monitoring Service Providers

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

ACTION: Notification of approved monitoring service providers.

SUMMARY: NMFS has approved six companies to provide Northeast multispecies sector at-sea and/or electronic monitoring services in fishing years 2021 and 2022. Regulations implementing the Northeast Multispecies Fishery Management Plan require at-sea and electronic monitoring companies to apply to, and be approved by, NMFS in order to be eligible to provide monitoring services to sectors. This action will allow sectors to contract for at-sea and electronic

monitoring services with any of the approved service providers for fishing years 2021 and 2022.

ADDRESSES: The list of NMFS-approved sector monitoring service providers is available at: <https://www.fisheries.noaa.gov/resource/data/observer-providers-northeast-and-mid-atlantic-programs>.

FOR FURTHER INFORMATION CONTACT:

Claire Fitz-Gerald, Fishery Policy Analyst, (978) 281–9255, email Claire.Fitz-Gerald@noaa.gov.

SUPPLEMENTARY INFORMATION: The Northeast Multispecies Fishery Management Plan includes a requirement for industry-funded monitoring of catch by sector vessels. Sectors must contract with independent third-party service providers to provide at-sea and/or electronic monitoring services to their vessels. In order to provide at-sea or electronic monitoring services to sectors, monitoring companies must apply to, and be approved by, NMFS. Once approved, service providers must meet specified performance requirements outlined in 50 CFR 648.87(b)(4), including required coverage levels, in order to maintain eligibility.

At-Sea and Electronic Monitoring Service Provider Approval Process

Applications approved this year will cover both fishing year 2021 and fishing year 2022 (May 1, 2021 through April 30, 2023). There will be an opportunity in the fall of 2021 for additional monitoring companies to apply for approval to provide at-sea and electronic monitoring services in fishing year 2022.

The regulations at § 648.87(b)(4) describe the criteria for approval of at-sea and electronic monitoring service providers. We approve service providers based on: (1) Completeness and sufficiency of applications; and (2) determination of the applicant’s ability to meet the performance requirements of a sector monitoring service provider. We must notify service providers, in writing, if NMFS withdraws approval for any reason.

Approved Monitoring Service Providers

NMFS approved six companies to provide monitoring services to the Northeast multispecies sectors in fishing years 2021 and 2022. Four of the six companies are approved to provide both

at-sea and electronic monitoring services: A.I.S., Inc.; East West Technical Services, LLC; Fathom Research, LLC; and Saltwater, Inc. NMFS approved the other two companies to provide electronic monitoring services: Flywire Cameras and Teem Fish.

We approved these six companies to provide at-sea and/or electronic monitoring services in fishing years 2021 and 2022 because they have met the application requirements and documented their ability to comply with service provider standards. In addition, A.I.S., Inc., East West Technical Services, LLC, and Fathom Research, LLC are currently approved to provide at-sea monitoring services to sectors in fishing years 2019 and 2020 and have a history of meeting or exceeding the requirements of the at-sea monitoring program in the region. We will closely monitor the performance of approved providers, and we will withdraw approval during the current approval term, or disapprove a provider in future fishing years, if we determine performance standards are not being met.

We received applications from two additional companies, but need further information before their application is sufficiently complete for us to make an approval determination. Typically, we engage in an iterative process with provider companies to assist them in assembling and submitting a complete application for our consideration. Because this is our first time approving electronic monitoring companies to provide monitoring services, we are continuing to work with these companies to help them through this process. In the meantime, we are continuing with the approval process for the providers that have submitted complete applications and demonstrated their ability to meet program requirements. Moving forward with notification of our approval of the completed applications while continuing to work with the two remaining applicants is necessary to allow sectors sufficient time to negotiate monitoring contracts for the upcoming fishing year. If we subsequently decide to approve these companies, we will publish an additional notice in the **Federal Register** announcing our decision.

TABLE 1—APPROVED PROVIDERS FOR FISHING YEARS 2021 AND 2022

Provider	Services *	Address	Phone	Fax	Website
A.I.S., Inc ..	ASM/EM	540 Hawthorn St., Dartmouth, MA 02747.	508–990–9054	508–990–9055	https://aisobservers.com/

TABLE 1—APPROVED PROVIDERS FOR FISHING YEARS 2021 AND 2022—Continued

Provider	Services *	Address	Phone	Fax	Website
East West Technical Services, LLC.	ASM/EM	91 Point Judith Rd., Unit 347, Narragansett, RI 02882.	860-910-4957	860-223-6005	https://www.ewts.com/
Fathom Resources, LLC.	ASM/EM	855 Aquidneck Ave., Unit 9, Middletown, RI 02842.	508-990-0997	508-991-7372	https://fathomresources.com/
Flywire Cameras.	EM	PO BOX 55048, Lexington, KY 40511.	888-315-7796	502-861-6568	https://www.flywirecameras.com/
Saltwater, Inc.	ASM/EM	733 N St., Anchorage, AK 99501.	907-276-3241	907-258-5999	https://www.saltwaterinc.com/
Teem Fish	EM	90-425 Carrall St., Vancouver, BC V6B 6E3 Canada.	778-884-2598	.....	https://teem.fish/

* ASM/EM = At-sea and electronic monitoring; EM = Electronic monitoring only.

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

Dated: January 29, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021-02336 Filed 2-3-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO-P-2020-0062]

Expanded Collaborative Search Pilot Program Extension

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

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has extended the Expanded Collaborative Search Pilot (CSP) program, originally running from November 2017 through October 2020, an additional two years. The Expanded CSP program, conducted with the Japan Patent Office (JPO) and the Korean Intellectual Property Office (KIPO), builds on the success of the initial CSP program, taking advantage of improvements in patent quality and examination pendency. With the Expanded CSP, applicants may request that multiple partnering intellectual property (IP) offices exchange search results for their counterpart applications prior to formulating and issuing their office actions. Each designated partner IP office independently conducts a prior art search for its corresponding counterpart application. The search results are then exchanged between the designated partner IP office(s), including the USPTO, before any IP office issues an office action. With this exchange of search results, the

examiners in all designated partner IP offices will have a more comprehensive set of prior art references to consider when making initial patentability determinations. The Expanded CSP allows the USPTO to study the impact on examination processes of exchanges of search results between the USPTO and multiple partner IP offices prior to formulating and issuing office actions.

DATES: Under the Expanded CSP, the USPTO and partner IP offices will each continue to accept requests to participate beyond November 1, 2020, until October 31, 2022. Each IP office will not grant more than 400 requests per year per partner office. The offices may extend the pilot program (with or without modification) if they deem it appropriate. Each office reserves the right to withdraw from the program at any time.

FOR FURTHER INFORMATION CONTACT:

Inquiries regarding the handling of any specific application participating in the pilot may be directed to Nelson Yang, Senior Advisor, International Patent Business Solutions, Office of International Patent Cooperation, by phone at 571-272-0826. Any inquiries regarding this pilot program can be emailed to csp@uspto.gov. Inquiries concerning this notice may be directed to Anthony Smith, Attorney-Advisor, International Patent Legal Administration, by phone at 571-272-3298.

SUPPLEMENTARY INFORMATION:

I. Background

The USPTO is continually looking for ways to improve the quality of issued patents and to promote worksharing with other IP offices throughout the world. Worksharing benefits applicants by promoting compact prosecution, reducing pendency, and supporting patent quality by reducing the

likelihood of inconsistencies in patentability determinations (not predicated upon differences in national patent laws) between IP offices. The USPTO has launched numerous worksharing pilot programs, including both the Initial and Expanded versions of CSP with the JPO and the KIPO. In the Initial CSP, the participating offices implemented administrative procedures to facilitate worksharing between the USPTO and a single designated partner IP office in the form of sharing search results of related counterpart applications. Feedback from the completed Initial CSP and the current Expanded CSP showed sufficiently positive benefits to justify extending the CSP an additional two years to continue to permit worksharing between the USPTO and more than one designated partner IP office for the corresponding U.S. application.

The USPTO will continue to cooperate in the Expanded CSP to determine whether exchanging the results from searches independently performed by multiple IP offices, which occur substantially simultaneously, also increases the efficiency and quality of patent examination. The Expanded CSP is designed so that this exchange of search results would occur prior to the IP offices making initial patentability determinations. The current partner IP offices for the Expanded CSP remain the JPO and the KIPO. The USPTO will announce future partner IP offices when they are designated.

Currently, applicants in the USPTO having U.S. applications with claims of foreign priority may have search results and prior art cited to them by the foreign IP office during pendency of their U.S. applications. Often, applicants submit the prior art after examination on the merits is already underway in their U.S. application. Upon evaluation of the search results

and cited prior art, the U.S. examiner may determine that the prior art cited by the foreign office is relevant to patentability and merits being used in further examination before making a final determination on patentability of the pending claims. This delay caused by further examination results in additional costs to applicants and the USPTO that could have been avoided if the U.S. examiner was in possession of the foreign office's search results before commencing examination of the U.S. application. Furthermore, in light of the USPTO's various expedited examination programs, the possibility exists that a U.S. application may reach final disposition before the applicant is in receipt of a foreign office's search results. The exchange of search results between IP offices before an initial determination on patentability should increase efficiency and promote patent examination quality.

In order to study the benefits of the exchange of search results between multiple IP offices, current USPTO examination practice is modified for applications in the Expanded CSP so that a search will be conducted and search results generated without issuance of an Office action. The U.S. applications in the Expanded CSP are "made special" pursuant to USPTO procedures to ensure that they are contemporaneously searched with their corresponding counterpart applications.

In the original version of the CSP, the USPTO required the use of the First Action Interview Pilot Program (FAI), which separated the prior art search from the issuance of an Office action. The USPTO determined that it is unnecessary to require applicants participating in the Expanded CSP to use FAI procedures. Instead, applications in the Expanded CSP are accorded special status before the first action on the merits (FAOM), and prior art references provided through the exchange of search results will be included in the FAOM.

In the United States, the Expanded CSP requires a petition to make special for the participating application and authorization to exchange information with the designated partner IP office(s) prior to an initial determination of patentability. As this worksharing program is operating under a common framework across all agreements between the USPTO and the partner offices, it is permissible to participate in the Expanded CSP with multiple partner offices simultaneously, and the program is open to adding more partner IP offices once appropriate agreements are in place.

II. Overview of the Expanded CSP

An application must meet all the requirements set forth in section III of this notice to be accepted into the Expanded CSP. Applicants must file a Petition to Make Special Under the Expanded Collaborative Search Pilot Program using Form PTO/SB/437 via EFS-web or Patent Center in a U.S. application. Use of the form is mandatory and will assist applicants in complying with the pilot program's requirements, as well as aid the USPTO in quickly identifying participating applications. Form PTO/SB/437 is available at www.uspto.gov/CollaborativeSearch. The collection of information involved in this pilot program has been reviewed and previously approved by OMB under control number 0651-0079, and is available at OMB's Information Collection Review website, www.reginfo.gov/public/do/PRAMain. The USPTO is not resubmitting the 0651-0079 information collection to OMB for its review and approval because this notice does not affect the information collection requirements associated with the information collection.

In addition to a petition being filed with the USPTO, a request must also be filed in the corresponding counterpart applications in each applicant-designated partner IP office, in accordance with the requirements of that office. (Partner IP offices may require a petition or a request; therefore, for purposes of this notice, usage of the term "request" refers to the initial submission that a partner IP office requires to initiate participation in the Expanded CSP.) As each partner IP office's conditions for entry may differ, applicants should review the requirements of the relevant partner IP offices to ensure compliance.

No fee for a petition to make special under 37 CFR 1.102 is required for participation in the Expanded CSP.

New patent applications are normally taken up for examination in the order of their U.S. filing date. Applications accepted into the Expanded CSP receive expedited processing by being granted special status and taken out of turn until issuance of an FAOM, but they will not maintain special status thereafter. Designated partner IP offices and the USPTO share search results before the issuance of an initial determination on patentability. Participants in the Expanded CSP should review the references cited in each respective office's initial determination on patentability. The references cited in the initial search by any partner IP office

will become of record in the USPTO application and will be listed on Form PTO-892, and the examiner will consider the references, thereby reducing the burden on the applicant to file an Information Disclosure Statement (IDS). If the references cited by any partner IP office are not already of record in the USPTO application and the applicant wants to ensure that the examiner considers the references, then the applicant should file an IDS that includes a copy of the initial determination on patentability, along with copies of any missing or newly cited references in accordance with 37 CFR 1.97, 37 CFR 1.98, and the Manual of Patent Examining Procedure (MPEP) sec. 609.04(a)-(b). See also MPEP secs. 609 and 2001.06(a).

Each office may reevaluate the workload and resources needed to administer the Expanded CSP at any time. The USPTO will provide notice of any substantive changes to the program (including early termination of the program) at least 30 days prior to the implementation of any changes.

III. Requirements for Participation in the Expanded CSP

The following requirements must be satisfied for a petition under the Expanded CSP to be granted:

(1) The application must be a non-issue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, where the effective filing date of any claimed invention is no earlier than March 16, 2013. For corresponding counterpart applications filed in accordance with the agreement between the USPTO and the KIPO only, plant applications filed under 35 U.S.C. 161 are also eligible. The U.S. application and all corresponding counterpart applications must have a common earliest priority date that is no earlier than March 16, 2013. The disclosures of the U.S. application and all counterpart applications must support the claimed subject matter as of a common date. The U.S. application must be complete and eligible to receive a filing receipt at the time the petition is filed.

(2) A completed petition, Form PTO/SB/437, must be filed in the application via EFS-Web or Patent Center. Form PTO/SB/437 is available at www.uspto.gov/patents-getting-started/international-protection/collaborative-search-pilot-program-csp. Based on the agreements between the USPTO and the partner IP offices, a separate petition to make special must be filed in the U.S. application for each partner IP office

that the applicant designates. The petition (Form PTO/SB/437) includes:

(A) An express written consent under 35 U.S.C. 122(c) for the USPTO to accept and consider prior art references and comments from each designated partner IP office during the examination of the U.S. application;

(B) Written authorization for the USPTO to provide to the designated partner IP office access to the participating U.S. application's bibliographic data and search results in accordance with 35 U.S.C. 122(a) and 37 CFR 1.14(c); and

(C) A statement that the applicant agrees not to file a request for a refund of the search fee and any excess claim fee paid in the application after the mailing of the decision on the petition to join the Expanded CSP. (Note: Any petition for express abandonment under 37 CFR 1.138(d) to obtain a refund of the search fee and excess claim fee filed after the mailing of a decision on the petition will be granted, but the fees will not be refunded.)

(3) Petitions must be filed before examination has commenced. Examination may commence at any time after an application has been assigned to an examiner. Petitions should preferably be filed before the application has been assigned to an examiner to ensure that the USPTO does not examine the application before recognizing the petition. Therefore, applicants should check the status of the application using the Patent Application Information and Retrieval (PAIR) system or Patents Center to see if the application has been assigned to an examiner. If the application has been assigned to an examiner, the applicant should contact the examiner to confirm that the application has not been taken up for examination and inform the examiner that a petition to participate in the Expanded CSP is being filed. Following this guidance will minimize delays caused by remedial corrective action when a petition is not recognized before examination commences. Further, examination must not have commenced in the identified corresponding counterpart application(s) before each designated partner IP office when filing petitions requesting participation in the U.S. application.

(4) The petition filed in the USPTO and any request filed in a designated partner IP office must be filed within 15 days of each other. If the petition and request(s) are not filed within 15 days of each other, the applicant runs the risk of one of the pending applications being acted upon by an examiner before entry into the pilot program, which will result in the applications being denied entry

into the Expanded CSP. The request for participation filed in the corresponding counterpart application(s) for the Expanded CSP must be granted by at least one of the designated partner IP offices in order to participate in the Expanded CSP.

(5) The petition submission must include a claims correspondence table, which, at a minimum, must establish "substantial corresponding scope" between all independent claims present in the U.S. application and the corresponding counterpart application(s) filed in the designated partner IP office(s). The claims correspondence table must individually list the claims of the instant U.S. application and correlate them to the claims of the corresponding counterpart application having a substantially corresponding scope. Claims are considered to have a "substantially corresponding scope" when, after accounting for differences due to claim format requirements, the scope of the corresponding claims in the corresponding counterpart application(s) would either anticipate or render obvious the subject matter recited under U.S. law. Additionally, claims in the U.S. application that introduce a new/different category of claims than those presented in the corresponding counterpart application(s) are not considered to substantially correspond. For example, where the corresponding counterpart application(s) contain only claims relating to a process of manufacturing a product, any product claims in the U.S. application are not considered to substantially correspond, even if the product claims are dependent on process claims that do substantially correspond to claims in the corresponding counterpart application(s). Applicants may file a preliminary amendment, in compliance with 37 CFR 1.121, to amend the claims of the U.S. application to satisfy this requirement when attempting to make the U.S. application eligible for the program. A translated copy of the claims in English for each counterpart application is required if the application in the designated partner IP office(s) is not publicly available in English. A machine translation is sufficient. Non-corresponding claims need not be listed.

(6) The U.S. application must contain 3 or fewer independent claims and 20 or fewer total claims. The U.S. application must not contain any multiple dependent claims; the corresponding counterpart application may contain multiple dependent claims, in accordance with the national practice of the partner IP office where it is filed.

For a U.S. application that contains more than 3 independent claims or 20 total claims, or any multiple dependent claims, applicants may file a preliminary amendment, in compliance with 37 CFR 1.121, to cancel the excess claims and/or the multiple dependent claims to make the application eligible for the Expanded CSP.

IV. Treatment of a Petition

As discussed in section III, the number of petitions to make special filed in the U.S. application must equal the number of designated partner IP offices where a corresponding counterpart application has been filed. At least one designated partner office must grant the request in order for that application and the counterpart U.S. application to participate in the Expanded CSP.

If examination commences in either the U.S. application or a given designated corresponding counterpart application before either the petition or request is filed, then that combination of U.S. application and designated corresponding counterpart application cannot participate in the Expanded CSP. Applicants are advised that, even if they timely file a request with a designated partner office, if the USPTO is not informed by the designated partner office of the filing of the request in the corresponding counterpart application within 20 days of a petition filing with the USPTO, then the USPTO may initially dismiss the petition. In such a situation, the applicant may request reconsideration, as discussed in item B, below.

A. Petition Grant by the USPTO: Once a determination is made that all the requirements of section III of this notice are satisfied, the USPTO petition will be granted and the application will be placed on the examiner's special docket until an FAOM is issued. The USPTO and the designated partner IP office(s) will then have four months to provide search results. As a result, once the USPTO grants the petition, the applicant will no longer have a right to file a preliminary amendment that amends the claims. Any preliminary amendment filed after the petition is granted and before issuance of an FAOM amending the claims will not be entered unless approved by the examiner. After the petition is granted and before issuance of the FAOM, the applicant may still submit preliminary amendments to the specification that do not affect the claims. All such submissions for the participating U.S. application must be filed via EFS-Web or Patent Center.

B. Petition Dismissal by the USPTO: If the applicant files an incomplete Form PTO/SB/437, or if an application accompanied by Form PTO/SB/437 does not comply with the requirements set forth in this notice, the USPTO will notify the applicant of the deficiencies by dismissing the petition, and the applicant will be given a single opportunity to correct the deficiencies. If the applicant still wishes to participate in the pilot program, the applicant must make appropriate corrections within 1 month or 30 days of the mailing date of the dismissal decision, whichever is longer. The time period for reply is not extendable under 37 CFR 1.136(a). If the applicant timely files a response to the dismissal decision correcting all the noted deficiencies without introducing any new deficiencies, the USPTO will grant the petition if a grantable request has been filed in a corresponding counterpart application. If the applicant fails to correct the noted deficiencies within the time period set forth, the USPTO may dismiss the petition and notify the designated partner IP office(s). The U.S. application will then be taken up for examination in accordance with standard examination procedures, unless designated special in accordance with another established procedure (e.g., Request for Prioritized Examination, Petition to Make Special Based on Applicant's Age).

C. Withdrawal of a Petition: An application can be withdrawn from the pilot program only by filing a request to withdraw the petition to participate in the pilot program prior to the issuance of a decision granting the petition. Once the petition for participation in the pilot program has been granted, withdrawal from the pilot program is not permitted.

V. Requirement for Restriction

The claims must be directed to a single invention. If the examiner determines that not all the claims presented are directed to a single invention, the telephone restriction practice set forth in MPEP sec. 812.01 will be followed. The applicant must make an election without traverse during the telephonic interview. If the applicant refuses to make an election without traverse, or if the examiner cannot reach the applicant after a reasonable effort (i.e., three business days), the examiner will treat the first claimed invention (the group of claim 1) as constructively elected without traverse for examination and include a basis for the restriction or lack of unity requirement in the FAOM. When a telephonic election is made, the examiner will provide a complete

record of the telephonic interview, including the restriction or lack of unity requirement and the applicant's election, in the FAOM. Applicants are strongly encouraged to ensure that applications submitted for the Expanded CSP are written in such a way that they claim a single, independent, and distinct invention. The applicant is responsible for ensuring that the same invention is elected in both the United States and all corresponding counterpart applications for concurrent treatment in the Expanded CSP.

VI. First Action on the Merits (FAOM)

During examination, the USPTO examiner will consider all exchanged search results and all references submitted by the applicant in accordance with 37 CFR 1.97 and 1.98. Search results that are not received by the USPTO within four months from the date the petition was granted may not be included in the FAOM. The examiner will prepare and issue an Office action and notify the applicant if any designated partner IP office did not provide search results prior to the issuance of the Office action. Once an FAOM issues, the application will no longer be treated as special under the Expanded CSP.

Andrew Hirshfeld,

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

[FR Doc. 2021-02342 Filed 2-3-21; 8:45 am]

BILLING CODE 3510-16-P

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

Privacy Act of 1974; System of Records; Correction; Extension of Comment Period

AGENCY: Council of the Inspectors General on Integrity and Efficiency (CIGIE).

ACTION: Notice; correction; extension of comment period.

SUMMARY: CIGIE published a notice in the **Federal Register** on January 27, 2021, proposing to establish a system of records that is subject to the Privacy Act of 1974 entitled, "PRAC Data Warehouse System (PDWS)—CIGIE-5" (CIGIE-5). In that document, CIGIE erroneously stated that comments could be made through the Federal Rulemaking Portal: <http://www.regulations.gov>. This notice corrects that error and extends the

comment period associated with the notice.

DATES: The system of records, CIGIE-5, appearing in the **Federal Register** of January 27, 2021, in FR Doc. 2021-01429, will become effective without further notice on March 8, 2021 unless comments are received that would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Virginia Grebasch, Senior Counsel, Pandemic Response Accountability Committee, Council of the Inspectors General on Integrity and Efficiency, (202) 292-2600 or comments@cigie.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 27, 2021, in FR Doc. 2021-01429, on page 7280, in the third column, correct the **ADDRESSES** caption to read:

ADDRESSES: Submit comments identified by "CIGIE-5" by any of the following methods:

1. *Mail:* Council of Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006. Attn: Virginia Grebasch/CIGIE-5, Notice of New System of Records.

2. *Email:* comments@cigie.gov.

Dated: February 1, 2021.

Allison C. Lerner,

Chairperson of the Council of the Inspectors General on Integrity and Efficiency.

[FR Doc. 2021-02338 Filed 2-3-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

Applications for New Awards; Fulbright-Hays Doctoral Dissertation Research Abroad Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2021 for the Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Program, Assistance Listing Number 84.022A. This notice relates to the approved information collection under OMB control number 1840-0005.

DATES:

Applications Available: February 4, 2021.

Deadline for Transmittal of Applications: April 5, 2021.

Pre-Application Webinar information: The Department will hold a pre-application meeting via webinar for prospective applicants. Detailed

information regarding this webinar will be provided on the Doctoral Dissertation Research Abroad website at <https://www2.ed.gov/programs/iegpsddrap/applicant.html>. Additionally, for new potential grantees unfamiliar with grantmaking at the Department, please consult our funding basics resources at <https://www2.ed.gov/documents/funding-101/funding-101-basics.pdf>.

ADDRESSES: The addresses pertinent to this competition—including the addresses for obtaining and submitting an application—can be found under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Dr. Pamela J. Maimer, U.S. Department of Education, 400 Maryland Avenue SW, Room 258–24, Washington, DC 20202. Telephone: (202) 453–6891. Email: DDRA@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Fulbright-Hays DDRA Fellowship Program provides opportunities to doctoral candidates to engage in dissertation research abroad in modern foreign languages and area studies. The program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States.

Priorities: This notice contains one absolute priority and two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute and competitive preference priorities are from the regulations for this program (34 CFR 662.21(d)).

Absolute Priority: For FY 2021, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Specific Geographic Regions of the World.

A research project that focuses on one or more of the following geographic areas: Africa, East Asia, Southeast Asia and the Pacific Islands, South Asia, the Near East, Central and Eastern Europe and Eurasia, and the Western Hemisphere (excluding the United States and its territories).

Competitive Preference Priorities: For FY 2021, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional four points to an application that meets Competitive Preference Priority 1 and

three points to an application that meets Competitive Preference Priority 2 (up to 7 additional points possible). These priorities are:

Competitive Preference Priority 1—Focus on Less Commonly Taught Languages (4 points).

A research project that focuses on any modern foreign language except French, German, or Spanish.

Competitive Preference Priority 2—Thematic Focus on Academic Fields (3 points).

A research project conducted in the field of science, technology, engineering, mathematics, computer science, education (comparative or international), international development, political science, public health, or economics.

Note: Applicants that address Competitive Preference Priority 2 must intend to engage in dissertation research abroad in modern foreign languages and area studies with a thematic focus on any one of the academic fields referenced above.

Program Authority: 22 U.S.C. 2452(b)(6).

Note: Projects must be awarded and operated in a manner consistent with the nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 662.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to this program.

II. Award Information

Type of Award: Discretionary grants redistributed as fellowships to individual beneficiaries.

Estimated Available Funds: \$4,274,500

Estimated Range of Awards: \$15,000–\$60,000.

Estimated Average Size of Awards: \$39,000.

Estimated Number of Awards: 90.

Note: The Department is not bound by any estimates in this notice.

Project Period: The institutional project period is 18 months. Students may request funding for a period of no less than six months and no more than 12 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education (IHEs). As part of the application process, however, eligible students submit their individual research narratives and forms to their home IHE. The IHE compiles all of the student applications for inclusion in the grant application that the institution submits electronically to the Department through the G–5 system.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* Under 34 CFR 662.22(b), no student applicant may receive a grant from the Fulbright U.S. Student Program (FUSP) and a grant from the Fulbright-Hays DDRA Fellowship Program concurrently. For this reason, when applying for a grant under the Fulbright-Hays DDRA Fellowship Program, the student must indicate in their application whether he or she has also applied for a FUSP grant. If, at any time during the U.S. Department of Education Fulbright-Hays DDRA competition process a student accepts a fellowship award from the FUSP, or the FUSP disperses funds to provide training services to the student, the student is automatically ineligible for consideration for a grant under the Fulbright-Hays DDRA Fellowship Program. Similarly, if the Fulbright-Hays DDRA program receives notification directly from the FUSP that it has awarded funds or provided training to a potential candidate for a Fulbright-Hays DDRA fellowship, we will automatically deem the student ineligible for an award under the Fulbright-Hays DDRA Fellowship Program. Therefore, students should notify the person listed under **FOR FURTHER INFORMATION CONTACT**, prior to accepting grant funds from the FUSP.

IV. Application and Submission Information

1. *Address to Request Application Package:* Both IHEs and student applicants can obtain an application package via the internet or from the Education Publications Center (ED Pubs). To obtain a copy via the internet, use the following address: www.G5.gov. To obtain a copy from ED Pubs, write, fax, or call the following:

ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1-877-433-7827. FAX: (703) 605-6794. If you use a TDD or a TTY, call, toll free: 1-877-576-7734.

You can contact ED Pubs at its website, also: www.EDPubs.gov or at its email address: edpubs@inet.ed.gov.

If you request an application package from ED Pubs, be sure to identify this program as follows: Assistance Listing Number 84.022A.

2. Submission Dates and Times:

Submit applications for grants under the program electronically using *G5.gov*. For information (including dates and times) about how to submit your application electronically, please refer to 7. *Other Submission Requirements*.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

3. *Intergovernmental Review*: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

4. *Funding Restrictions*: We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit*: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 10 pages and the bibliography to no more than two pages (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet, budget section, including the narrative budget justification; the assurance and certifications; or the one-page abstract, the resumes, the biography, or letters of support. However, the recommended page limit does apply to all of the application narrative.

6. Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:

To do business with the Department, you must—

- Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);
- Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;
- Provide your DUNS number and TIN on your application; and
- Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can submit an application through G5.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: www2.ed.gov/fund/grant/apply/sam-faqs.html.

7. Other Submission Requirements:

Applications for grants under this program must be submitted electronically unless an IHE qualifies for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications.

Submit applications for grants under the Fulbright-Hays DDRA Fellowship Program, Assistance Listing Number 84.022A, electronically using the G5 system, accessible through the Department's G5 site at: www.G5.gov. While completing the electronic application, both the IHE and the student applicant will be entering data online that will be saved into a database. Neither the IHE nor the student applicant may email an electronic copy of a grant application to us.

Please note the following:

- The process for submitting applications electronically under the Fulbright-Hays DDRA Fellowship Program requires several steps. The following is a brief overview of the process; however, all applicants should review the detailed description of the application process in the application package. In summary, the major steps are:

- (1) IHEs must email the name of the institution and the full name and email address of the project director to ddra@ed.gov. We suggest that applicant IHEs submit this information no later than two weeks prior to the application deadline date to ensure that they obtain access to G5 well before that date;

- (2) Students must complete their individual applications and submit them to their home IHE project director using G5;

- (3) Persons providing references for individual students must complete and submit reference forms for the students and submit them to the IHE's project director using G5; and

- (4) The IHE's project director must officially submit the IHE's application, including all eligible individual student applications, reference forms, and other required forms, using G5.

- The IHE must complete the electronic submission of the grant application by 4:30:00 p.m., Eastern Time, on the application deadline date. G5 will not accept an application for

this competition after 4:30:00 p.m., Eastern Time, on the application deadline date. Therefore, we strongly

recommend that both the IHE and the student applicant not wait until the application deadline date to begin the

application process. The table below shows the days and times that the G5 website will be available.

G5 HOURS OF OPERATION IN EASTERN TIME

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Unavailable from 03:00 p.m.–11:59 p.m.	Unavailable from 12:00 a.m.–06:00 a.m.	Available 24 hours.	Unavailable from 09:00 p.m.–11:59 p.m.	Unavailable from 12:00 a.m.–06:00 a.m.	Available 24 hours.	Available 24 hours.

- Student applicants will not receive additional point value because the student submits his or her application in electronic format, nor will we penalize the IHE or student applicant if the applicant qualifies for an exception to the electronic submission requirement, as described elsewhere in this section, and submits an application in paper format.

- *IHEs must upload all application documents electronically, including the following forms:* The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- Both IHEs and student applicants must upload the narrative sections and all other attachments to their application as files in a read-only flattened Portable Document Format (PDF), meaning any fillable documents must be saved and submitted as non-fillable PDF files. Do not upload any interactive or fillable PDF files. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.*, Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will be unable to review that material. Please note that this will likely result in your application not being considered for funding. The Department will not convert material from other formats to PDF.

- Submit student transcripts electronically through the G5 system.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After the individual student electronically submits his or her application to the IHE, the student will receive an automatic acknowledgment from the G5 system. After a person submits a reference electronically, he or she will receive an online confirmation from the G5 system. After the applicant IHE submits its application, including all eligible individual student applications, to the Department, the applicant IHE will receive an automatic acknowledgment from G5 that will

include a unique PR/Award number for the IHE's application.

- Within three working days after submitting its electronic application the applicant IHE must—

- (1) Print the SF 424 from G5;

- (2) Have the Authorizing Representative sign this form;

- (3) Place the PR/Award number in the upper right-hand corner of the hard-copy signature page of the SF 424; and

- (4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

- We may request that you provide us hard copies with original signatures for other forms in the application at a later date.

Application Deadline Date Extension in Case of System Unavailability: If an IHE is prevented from electronically submitting its application on the application deadline date because the G5 system is unavailable, we will grant the IHE an extension until 4:30:00 p.m., Eastern Time, the following business day to enable the IHE to transmit its application electronically, by mail, or by hand delivery. We will grant this extension if—

- (1) The IHE is a registered user of the G5 system and the IHE has initiated an electronic application for this competition; and

- (2) (a) G5 is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Eastern Time, on the application deadline date; or

- (b) G5 is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Eastern Time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting the IHE an extension. To request this extension or to confirm our acknowledgment of any system unavailability, an IHE may contact either (1) the person listed under **FOR FURTHER INFORMATION CONTACT** or (2) the e-Grants help desk at 1–888–336–8930. If G5 is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an email will be sent to all registered users who have initiated a G5

application. Extensions referred to in this section apply only to the unavailability of the G5 system.

- Submission of Paper Applications.*

We discourage paper applications, but if electronic submission is not possible (*e.g.*, you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday) to Dr. Pamela J. Maimer, U.S. Department of Education, 400 Maryland Ave SW, Room 258–24, Washington, DC 20202–4260. Telephone: (202) 453–6891. Email: ddra@ed.gov.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. Please send this statement to the person listed under **FOR FURTHER INFORMATION CONTACT**.

If you submit a paper application, you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (Assistance Listing Number 84.022A) LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202–4260

The IHE must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.

- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If the IHE mails its application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the IHE should check with its local post office.

We will not consider applications postmarked after the application deadline date.

c. Note for Mail or Hand Delivery of Paper Applications: If an IHE mails or hand delivers its application to the Department—

(1) The IHE must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the Assistance Listing Number, including suffix letter, if any, of the competition under which the IHE is submitting its application; and

(2) The Application Control Center will mail a notification of receipt of the IHE's grant application. If the IHE does not receive this grant notification within 15 business days from the application deadline date, the IHE should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from the regulations for this program in 34 CFR 662.21 and are as follows:

(a) *Quality of proposed project.* (60 points) The Secretary reviews each application to determine the quality of the research project proposed by the applicant. The Secretary considers—

(1) The statement of the major hypotheses to be tested or questions to be examined, and the description and justification of the research methods to be used;

(2) The relationship of the research to the literature on the topic and to major theoretical issues in the field, and the project's originality and importance in terms of the concerns of the discipline;

(3) The preliminary research already completed in the United States and overseas or plans for such research prior to going overseas, and the kinds, quality and availability of data for the research in the host country or countries;

(4) The justification for overseas field research and preparations to establish appropriate and sufficient research contacts and affiliations abroad;

(5) The applicant's plans to share the results of the research in progress and a copy of the dissertation with scholars and officials of the host country or countries; and

(6) The guidance and supervision of the dissertation advisor or committee at all stages of the project, including

guidance in developing the project, understanding research conditions abroad, and acquainting the applicant with research in the field.

(b) *Qualifications of the applicant.* (40 points) The Secretary reviews each application to determine the qualifications of the applicant. The Secretary considers—

(1) The overall strength of the applicant's graduate academic record;

(2) The extent to which the applicant's academic record demonstrates strength in area studies relevant to the proposed project;

(3) The applicant's proficiency in one or more of the languages (other than English and the applicant's native language) of the country or countries of research, and the specific measures to be taken to overcome any anticipated language barriers; and

(4) The applicant's ability to conduct research in a foreign cultural context, as evidenced by the applicant's references or previous overseas experience, or both.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For FY 2021, student applications will be divided into seven categories based on the world area focus of their research projects, as described in the absolute priority. Language and area studies experts in discrete world area-based panels will review the student applications. Each panel will review, score, and rank its applications separately from the applications assigned to the other world area panels. However, all fellowship applications will be ranked together from the highest to lowest score for funding purposes.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by

applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115-232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize

use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the objective for the Fulbright-Hays DDRA Fellowship Program is to provide grants to colleges and universities to fund individual doctoral students to conduct research in other countries in modern foreign

languages and area studies for periods of 6 to 12 months.

The Department will use the following measures to evaluate its success in meeting this objective:

DDRA GPRA Measure 1: The percentage of DDRA fellows who increased their foreign language scores in speaking, reading, or writing by at least one proficiency level.

DDRA GPRA Measure 2: The percentage of DDRA fellows who complete their degree in their program of study within four years of receipt of the fellowship.

DDRA GPRA Measure 3: The percentage of DDRA fellows who found employment that utilized their language and area studies skills within eight years of receiving their award.

DDRA GPRA Measure 4: Efficiency Measure—The cost per DDRA fellow who found employment that utilized their language and area studies skills within eight years.

The information provided by grantees in their performance report submitted via IRIS will be the source of data for these measures. Reporting screens for institutions and fellows may be viewed at: http://iris.ed.gov/iris/pdfs/DDRA_director.pdf. http://iris.ed.gov/iris/pdfs/DDRA_fellow.pdf.

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

Tiwanda Burse,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2021–02339 Filed 2–3–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Application Deadline for Fiscal Year 2021; Small, Rural School Achievement Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: Under the Small, Rural School Achievement (SRSA) program, Assistance Listing Number 84.358A, the U.S. Department of Education (Department) awards grants on a formula basis to eligible local educational agencies (LEAs) to address the unique needs of rural school districts. In this notice, we establish the deadline and describe the submission procedures for fiscal year (FY) 2021 SRSA grant applications. This notice relates to the approved information collection under OMB control number 1810–0646.

All LEAs eligible for FY 2021 SRSA funds must submit an application electronically via the process described in this notice by the deadline in this notice.

DATES: *Applications Available:* February 10, 2021.

Deadline for Transmittal of Applications: April 16, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hitchcock, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E–218, Washington, DC 20202. Telephone: (202) 401–0039. Email: reap@ed.gov.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Award Information

Type of Award: Formula grant.

Available Funds: \$93,920,000.

Estimated Range of Awards: \$0–\$60,000.

Note: Depending on the number of eligible LEAs identified in a given year and the amount appropriated by Congress for the program, some eligible LEAs may receive an SRSA allocation of \$0 under the statutory funding formula.

Estimated Number of Awards: 4,200.

II. Program Authority and Eligibility Information

Under what statutory authority will FY 2021 SRSA grant awards be made?

The FY 2021 SRSA grant awards will be made under title V, part B, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Which LEAs are eligible for an award under the SRSA program?

For FY 2021, an LEA (including a public charter school that meets the definition of LEA in section 8101(30) of the ESEA) is eligible for an award under the SRSA program if it meets both the criteria below:

(a) The total number of students in average daily attendance at all of the schools served by the LEA is fewer than 600; or each county in which a school served by the LEA is located has a total population density of fewer than 10 persons per square mile; and

(b) All of the schools served by the LEA are designated with a school locale code of 41, 42, or 43 by the Department's National Center for Education Statistics (NCES) or the Secretary has determined, based on a demonstration by the LEA and concurrence of the State educational agency, that the LEA is located in an area defined as rural by a governmental agency of the State.

The Department provides an eligibility spreadsheet containing each LEA eligible for FY 2021 SRSA grant funds, which is available on the Department's website at: <https://oese.ed.gov/offices/office-of-formula-grants/rural-insular-native-achievement-programs/rural-education-achievement-program/small-rural-school-achievement-program/>.

If an LEA on the Department's list of LEAs eligible to receive an FY 2021 SRSA award will close prior to the 2021–2022 school year, that LEA is no longer eligible to receive an FY 2021 SRSA award and should not apply.

Note: The "Choice of Participation" provision under section 5225 of the ESEA gives an LEA eligible for both SRSA and the Rural and Low-Income School (RLIS) program authorized under title V, part B, subpart 2 of the ESEA the option to participate in either the SRSA program or the RLIS program. An LEA eligible for both SRSA and RLIS is henceforth referred to as a "dual-eligible LEA."

Which eligible LEAs must submit an application to receive an FY 2021 SRSA grant award?

Under 34 CFR 75.104(a), the Secretary makes a grant only to an eligible entity that submits an application.

In FY 2021, each LEA eligible to receive an SRSA award is required to

submit an SRSA application in order to receive SRSA funds, regardless of whether the LEA received an award or submitted an application in any previous year. This includes each dual-eligible LEA that chooses to participate in the SRSA program instead of the RLIS program, and each SRSA-eligible LEA that is a member of an educational service agency (ESA) that does not receive SRSA funds on the LEA's behalf. In the case of an SRSA-eligible LEA that is a member of an SRSA-eligible ESA, the LEA and ESA must coordinate directly with each other to determine which entity will submit an SRSA application on the LEA's behalf, as both entities may not apply for or receive SRSA funds for the LEA. Additionally, pursuant to section 5225 of the ESEA, a dual-eligible LEA that applies for SRSA funds in accordance with these application submission procedures will not be considered for an RLIS award.

As a reminder, each applicant must apply with its own unique Data Universal Numbering System (DUNS) number. We also note that a separate application must be submitted for each eligible LEA. For example, if a rural community has two distinct LEAs—one composed of its elementary school(s) and one composed of its high school(s)—each distinct LEA would have to submit its own SRSA application with the LEA's own unique DUNS number.

An LEA eligible to receive FY 2021 SRSA funds that fails to submit an FY 2021 SRSA application in accordance with the application and submission information below is at risk of not receiving an FY 2021 SRSA award. Such an LEA may receive an award only to the extent funds become available after awards are made to all eligible LEAs that complied with the application procedures.

III. Application and Submission Information

Electronic Submission of Applications Using Max.gov:

The Department will send each LEA eligible for FY 2021 SRSA grant funds an email with a uniquely identifiable application link on February 10, 2021. The email will include customized instructions for completing the electronic application via the *Office of Management and Budget (OMB) Max Survey* platform.

An eligible LEA must submit an electronic application via *OMB Max Survey* by April 16, 2021, to be assured of receiving an FY 2021 SRSA grant award. The Department may consider applications submitted after the deadline to the extent practicable and

contingent upon the availability of funding.

Please note the following:

- We estimate that it will take 30 minutes to submit an application. However, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- To better ensure applications are processed in a more timely, accurate, and efficient manner, if an LEA has not submitted an application by March 1, 2021, we will send the LEA a reminder email to submit its application.

- An application received by *OMB Max Survey* is date and time stamped upon submission and an applicant will receive a confirmation email after the application is submitted.

- Once an application is submitted via *OMB Max Survey*, the applicant must contact the REAP program staff at reap@ed.gov to update any information in the application if necessary.

Application Deadline Date Extension in Case of Technical Issues With OMB Max Survey:

If you are unable to submit an application by April 16, 2021 because of problems with *OMB Max Survey*, contact the REAP program staff at reap@ed.gov within five business days and provide an explanation of the technical problem you experienced. We will accept your late application as having met the deadline if we can confirm that a technical problem occurred with the *OMB Max Survey* system and that the problem affected your ability to submit your application by the application deadline date. As noted above, if you submit your application after the deadline and the late submission is not due to a technical issue about which you have notified the REAP program staff, the Department may consider your application to the extent practicable and contingent upon the availability of funding.

IV. Other Procedural Requirements

System for Award Management:

To do business with the Department, you must register in the System for Award Management (SAM), the Government's primary registrant database, using the following information:

- DUNS number.
- Legal business name.
- Physical address from your Dun & Bradstreet (D&B) record.
- Taxpayer identification number (TIN).
- Taxpayer name associated with your TIN.
- Bank information to set up Electronic Funds Transfer (EFT) (*i.e.*,

routing number, account number, and account type (checking/savings)).

You can obtain a DUNS number from Dun and Bradstreet at: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days. Entities must have an active DUNS registration throughout the grant performance period in SAM.

Information about SAM is available at: www.SAM.gov. For further information on obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, please refer to SAM's Non-Federal User Guide: https://www.sam.gov/SAM/transcript/SAM_Non_Federal_User_Guide.pdf.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to register with SAM.

If you are currently registered with SAM, you may need to update your DUNS registration. Please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your DUNS registration if it has expired or will expire prior to when you expect to receive a SRSA award. A DUNS number will expire every 12 months after it has been updated.

You can check your DUNS registration status by using the SAM Status Tracker at: <https://sam.gov/SAM/pages/public/samStatusTracker.jsf>. Updating your DUNS may take three or more business days.

If you are a corporate entity, agency (including an LEA), institution, or organization, you can find your taxpayer name and TIN in tax documents from the Internal Revenue Service (IRS) (such as a 1099 or W-2 form) or obtain one from the IRS.

V. Accessibility Information and Program Authority

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotope, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at: <https://www.govinfo.gov/>. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: Sections 5211–5212 of the ESEA, 20 U.S.C. 7345–7345a.

Mark Washington,

Deputy Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2021–02351 Filed 2–3–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10481–069]

Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 10481–069.

c. *Date Filed:* March 31, 2020.

d. *Applicants:* Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (collectively referred to as Eagle Creek).

e. *Name of Project:* Mongaup Falls Hydroelectric Project (Mongaup Falls Project).

f. *Location:* The existing project is located on the Mongaup River and Black Brook in Sullivan County, New York.

The project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Jody J. Smet, Vice President Regulatory Affairs, 116 N State Street, P.O. Box 167, Neshkoro, WI 54960; Telephone (804) 739–0654.

i. *FERC Contact:* Nicholas Ettema, (312) 596–4447 or nicholas.ettema@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–10481–069.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500–1518 that federal agencies use to implement NEPA (see Update to the Regulations Implementing

the Procedural Provisions of the National Environmental Policy Act, 85 FR 43304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Mongaup Falls Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. The Mongaup Falls Project includes the Mongaup Falls Development and the Black Brook Development. The Black Brook Development has been permanently out of service since 1984, when portions of the penstock, stoplogs, and flashboards were removed.

The *Mongaup Fall Development* consists of: (1) A reservoir with a gross storage capacity of 1,782 acre-feet and a surface area of 133 acres; (2) a 155-foot-long by 40-foot-high, ungated, concrete gravity spillway with 4-foot, 10-inch-high flashboards; (3) an 83-foot-long, by 25-foot, 4-inch-high earth dam section with a concrete core wall along the right abutment; (4) a 125-foot-long, 127-foot-high concrete retaining wall along the left abutment; (5) a 250-foot-long by 4.5-foot-high earthen closure dike; (6) an 11-foot-high, 22-foot-square intake and gatehouse; (7) a 14-foot-wide by 32-foot-high inclined trashracks with 1.7-inch bar clear spacing that covers the intake; (8) a 6,650-foot-long bypassed reach; (9) a 2,650-foot-long, 8-foot-diameter wood-stave penstock; (10) a 26-foot-diameter, 106-foot-high steel surge tank; (11) a 9-foot-diameter steel manifold branching into four 5-foot-diameter steel penstocks; (12) a 90-foot-long by 25-foot, 2-inch-wide by 33-foot-high reinforced concrete powerhouse containing four 1-megawatt vertical-axis turbines; and (13) a 100-foot-long, 2.3-kilovolt underground transmission line. The project generates an average of 10,860 megawatt-hours annually. Eagle Creek

proposes to continue to operate the project in a peaking mode.

The *Black Brook Development* consists of a 70-foot-long dam with a 34-foot-long concrete spillway section and 10-foot-long stoplog section. The stoplog section consists of a 2-foot-wide concrete pier that divides the 8-foot-long stoplog section from the spillway. The concrete spillway is approximately 10-foot-high from the base to the crest and is keyed into bedrock with a 3-foot by 3-foot keyway. Prior to removal of the penstock, pond control was accomplished with an 8-foot-wide stoplog section and 34-foot-wide flashboard section, each erected to a height of 5 feet above the dam crest. The failure of the penstock in 1984, resulted in the removal of the 8-foot-wide, 5-foot-high stoplog section on the right side of the dam and the 5-foot-high flashboards. Currently, the Black Brook Development is a run-of-river, uncontrolled spillway with a crest elevation of 943 feet National Geodetic Vertical Datum of 1929 (NGVD29) and a dam/spillway toe elevation of approximately 930–933 feet NGVD29 (including the 3-foot by 3-foot keyway). Eagle Creek proposes to decommission the Black Brook Development in place and remove it from the project boundary.

m. A copy of the application can be viewed on the Commission's website at <https://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, contact FERC Online Support.

Register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of

Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule*: The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions ...	March 2021.
Deadline for Filing Reply Comments	May 2021.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) A copy of the water quality certification; (2) a copy of

the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

Dated: January 29, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-02329 Filed 2-3-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 9690–115]

Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 9690–115.

c. *Date Filed:* March 31, 2020.

d. *Applicants:* Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (collectively referred to as Eagle Creek).

e. *Name of Project:* Rio Hydroelectric Project (Rio Project).

f. *Location:* The existing project is located on the Mongaup River in Sullivan and Orange Counties, New York. The project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Jody J. Smet, Vice President Regulatory Affairs, 116 N State Street, P.O. Box 167, Neshkoro, WI 54960; Telephone (804) 739–0654.

i. *FERC Contact:* Nicholas Ettema, (312) 596–4447 or nicholas.ettema@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCONlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of

electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–9690–115.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500–1518 that federal agencies use to implement NEPA (see Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 FR 43304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Rio Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. *The Rio Project consists of:* (1) A reservoir with a gross storage capacity of 14,536 acre-feet and a surface area of 444 acres; (2) a 264-foot-long, gravity-type concrete spillway with a maximum height of 101 feet at a crest elevation of 810 feet National Geodetic Vertical Datum of 1929 (NGVD29); (3) a 22-foot-long, concrete gravity intake structure; (4) a 99-foot-long, concrete gravity non-overflow section; (5) a 540-foot-long, earth-fill embankment; (6) a 102-foot-long, concrete gravity non-overflow section; (7) a 460-foot-long, earth-fill embankment with a 20-foot-wide crest at an elevation of 825 feet NGVD29; (8) a 1.5-mile-long bypassed reach; (9) a 22-foot-square reinforced-concrete gatehouse with a 14-foot-high, 11-foot-wide steel intake gate; (10) a 15-foot-wide by 46-foot-high trashrack with 2.9-inch bar clear spacing at the entrance to

the intake; (11) a 22-foot-long, 12.5-foot-high, and 9.5-foot-wide reinforced concrete intake structure; (12) a 90-foot-long, 11-foot-diameter, steel-elbow penstock that leads from the intake to a 7,000-foot-long, 11-foot-diameter steel penstock connected to a 40-foot-diameter by 65-foot-high steel surge tank; (13) a 10-foot-diameter, 290-foot-long underground steel penstock from the surge tank branching into two 7-foot-diameter, 90-foot-long steel penstocks leading to the main powerhouse; (14) an 82-foot-long by 30-foot-wide by 33-foot-high brick and steel main powerhouse containing two 5 megawatt (MW) vertical-axis turbines; (15) a 100-foot-long, 4-foot-diameter, high density polyethylene penstock that branches off the main penstock about 300 feet downstream of the dam and leads to a 30-foot-long by 27-foot-wide by 24-foot-high reinforced concrete minimum flow powerhouse containing one 0.8 MW horizontal-axis turbine; (16) a 45-foot-wide by 225-foot-long tailrace with a 65-foot-long concrete weir from the main powerhouse; (17) a 10-foot-wide by 38-foot-long tailrace from the minimum flow powerhouse; (18) a 150-foot-long, 4-kilovolt (kV) underground transmission line from the main powerhouse to an adjacent substation; and (19) a 7,600-foot-long, 4-kV aboveground transmission line from the minimum flow powerhouse to the substation. The project generates an average of 24,859 megawatt-hours annually. The megawatt-hours represents Units 1 through 3 from 2014–2019, including an extended outage of Unit 3 in 2015. Eagle Creek proposes to continue to operate the project in a peaking mode.

m. A copy of the application can be viewed on the Commission's website at <https://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, contact FERC Online Support.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's

Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the

application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served

upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	March 2021.
Deadline for Filing Reply Comments	May 2021.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

Dated: January 29, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-02333 Filed 2-3-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3273-024]

Chittenden Falls Hydropower, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the Chittenden Falls Hydroelectric Project No. 3273 (Chittenden Falls Project), located on Kinderhook Creek near the Town of Stockport, Columbia County, New York, and has prepared an

Environmental Assessment (EA) for the project.

The EA contains staff's analysis of the potential environmental impacts of the Chittenden Falls Project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA 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 Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, (202) 502-8659.

You may also register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the

eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-3273-024.

For further information, contact Monir Chowdhury at (202) 502-6736, or at Monir.Chowdhury@ferc.gov.

Dated: January 29, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-02332 Filed 2-3-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10482–122]

Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application*: New Major License.

b. *Project No.*: 10482–122.

c. *Date Filed*: March 31, 2020.

d. *Applicants*: Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (collectively referred to as Eagle Creek).

e. *Name of Project*: Swinging Bridge Hydroelectric Project (Swinging Bridge Project).

f. *Location*: The existing project is located on the Mongaup River and Black Lake Creek in Sullivan County, New York. The project does not occupy federal lands.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact*: Jody J. Smet, Vice President Regulatory Affairs, 116 N State Street, P.O. Box 167, Neshkoro, WI 54960; Telephone (804) 739–0654.

i. *FERC Contact*: Nicholas Ettema, (312) 596–4447 or nicholas.ettema@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions*: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCONlineSupport@ferc.gov, (866) 208–3676 (toll free), or

(202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–10482–122.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500–1518 that federal agencies use to implement NEPA (see Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 FR 43304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Swinging Bridge Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. The Swinging Bridge Project includes the Toronto Development, the Cliff Lake Development, and the Swinging Bridge Development. Water stored in Toronto Reservoir is released into Cliff Lake Reservoir, which is connected to Swinging Bridge Reservoir via a tunnel.

The *Toronto Development* consists of: (1) A reservoir with a gross storage capacity of 27,064 acre-feet and a surface area of 843 acres; (2) a 1,620-foot-long by 103-foot-high earth-fill dam with a 25-foot-wide crest at elevation 1,230 feet National Geodetic Vertical Datum of 1929 (NGVD29); (3) a 700-foot-long by 50-foot-wide concrete and rock side-channel spillway equipped with 5-foot-high by 50-foot-wide pin-type flashboards; (4) a 17.5-foot-wide by

11.5-foot-long gated concrete tower; (5) an upper 4-foot-wide by 5-foot-high gate and a lower 3-foot-wide by 5-foot-high gate; and (6) a 565-foot-long by 8-foot-wide by 8-foot-high horseshoe-shaped concrete conduit.

The *Cliff Lake Development* consists of: (1) A reservoir with a gross storage capacity of 3,200 acre-feet and a surface area of 183 acres; (2) a 95-foot-long by 20-foot-wide by 36-foot-high east earthen embankment; (3) a 150-foot-long by 44-foot-wide by 36-foot-high concrete non-overflow section; (4) a 100-foot-long by 5-foot-wide by 26-foot-high concrete overflow spillway section with 13-inch-high flashboards; (5) a 270-foot-long by 20-foot-wide by 50-foot-high west earthen embankment; (6) a 5.3-foot-wide, 6.7-foot-high, 2,100-foot-long horseshoe-shaped tunnel; (7) a 4-foot by 4-foot sluice gate; and (8) a 5-foot-wide by 5-foot-high lift gate.

The *Swinging Bridge Development* consists of: (1) A reservoir with a gross storage capacity of 35,925 acre-feet and a surface area of 980 acres; (2) a 965-foot-long by 135-foot-high earth-fill dam with a 25-foot-wide crest at elevation 1,080 feet NGVD29; (3) a 750-foot-long by 250-foot-wide concrete side channel spillway; (4) a 5-foot-high by 122.5-foot-wide gate section and five motor driven 22.5-foot-wide by 5-foot-high vertical-lift timber gates; (5) a 692-foot-long, 10-foot-diameter steel lined concrete penstock that supplied water to the Unit 1 powerhouse (which has been retired in place); (6) a 22-foot-wide, 32-foot-high reinforced concrete intake covered by an inclined, 22-foot-wide, 32.3-foot-high trashrack with bar clear spacing of 2.6 inches; (7) 784-foot-long, 9.75-foot-diameter concrete-lined tunnel connected to a 188-foot-long, 10-foot-diameter all-steel penstock that supplies water to the Unit 2 powerhouse; (8) a 30-foot-diameter steel surge tank; (9) a 10-foot-long, 4-foot-diameter penstock branching off the Unit 2 penstock that supplies water to the Unit 3 powerhouse; (10) a 48-foot-wide by 33-foot-long by 35-foot, 8-inch-high brick and steel Unit 2 powerhouse containing one 6.75 megawatt (MW) generating unit; (11) a 30-foot-long by 30-foot-wide by 20-foot-high concrete and steel Unit 3 powerhouse containing one 1.1 MW generating unit; (12) one 25-foot-wide by 75-foot-long tailrace and one 6-foot-wide by 20-foot-long tailrace; and (13) a 150-foot-long, 2.3-kilovolt (kV) transmission line that connects the Unit 2 powerhouse to an adjacent substation and a 250-foot-long, 4-kV transmission line that connects the Unit 3 powerhouse to the same substation. The project generates an average of 11,639 megawatt-hours annually (Unit 2 only).

Eagle Creek proposes to continue to operate the project in a peaking mode.
 m. A copy of the application can be viewed on the Commission’s website at <https://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, contact FERC Online Support.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or

other comments filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title “PROTEST”, “MOTION TO INTERVENE”, “COMMENTS,” “REPLY COMMENTS,” “RECOMMENDATIONS,” “PRELIMINARY TERMS AND CONDITIONS,” or “PRELIMINARY FISHWAY PRESCRIPTIONS;” (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements

of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	March 2021.
Deadline for Filing Reply Comments	May 2021.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

Dated: January 29, 2021.

Kimberly D. Bose,
 Secretary.

[FR Doc. 2021-02330 Filed 2-3-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2804-037]

Goose River Hydro Inc.; Notice of Termination of License (Minor Project) by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

- a. *Application Type:* Termination of License by Implied Surrender.
- b. *Project No:* 2804-037.
- c. *Date Initiated:* January 29, 2021.
- d. *Licensee:* Goose River Hydro Inc.
- e. *Name of Project:* Goose River Hydroelectric Project.
- f. *Location:* The Goose River Hydroelectric Project is located on the Goose River near Belfast and Swanville, Waldo County, Maine.
- g. *Filed Pursuant to:* Standard Article 16.
- h. *Applicant Contact:* Mr. Kyle J. Skinner, Vice President, Goose River Hydro Inc., P.O. Box 334, Belfast, ME 04915.
- i. *FERC Contact:* Diana Shannon, (202) 502-6136, diana.shannon@ferc.gov.
- j. *Deadline for filing comments, motions to intervene and protests:* March 1, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket numbers P-2804-037. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Project Facilities:* The project includes five developments, along approximately 8 miles of the Goose River: Swan Lake, Mason’s, Kelly, Mill, and Central Maine Power (CMP).

Only three of these can generate electricity: Mason's, Mill, and CMP developments. Project features include the dams, intakes, gates, penstocks, powerhouses, tailraces, and transmission lines at each development. Impoundments at Swan Lake, Kelly, Mill, and CMP developments, and a portion of the impoundment at the Mason's development is included in the project boundary. The Mill and CMP development are in disrepair and have not generated since 2003.

l. *Description of Proceeding*: License Article 16 states in part: If the licensee shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the licensee or its agent, the Commission will deem it to be the intent of the licensee to surrender the license. In this proceeding, the Commission may find cause to waive the requirement in 18 CFR 6.4 to wait 90 days after public notice to terminate the license.

Since 2014, Commission staff have worked with Goose River Hydro, Inc., licensee, to restore project operation. On February 2, 2018, the licensee filed an application for subsequent license, but failed to provide specific details on needed repairs. On July 16, 2019, Commission staff informed the licensee of the need for additional information. A response was filed on October 31, 2019, which by letter dated January 8, 2020, Commission staff found inadequate. On April 10, 2020, Commission staff issued an order dismissing the licensee's application for a subsequent license. By order dated September 3, 2020, the Commission directed the licensee to file a surrender application by January 31, 2021. In a January 8, 2021 filing, the licensee states it is incapable of filing a surrender application because it has no assets, Goose River Hydro, Inc. is in dissolution, and it does not have the rights to certain project features.

m. *Location of the Application*: This filing 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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may

obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents*: Any filing must (1) bear in all capital letters the title "COMMENTS," "PROTEST," or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001-385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the implied surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: January 29, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-02331 Filed 2-3-21; 8:45 am]
BILLING CODE 6717-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Tuesday, February 9, 2020 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC (This meeting will be a virtual meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109. Matters relating to internal personnel decisions, or internal rules and practices.

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Vicktoria J. Allen,
Acting Deputy Secretary of the Commission.
[FR Doc. 2021-02453 Filed 2-2-21; 4:15 pm]
BILLING CODE 6715-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-718-CMS-721, and CMS-724]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow

60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 5, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-718-721 Business Proposal Forms for Quality Improvement Organizations (QIOs)

CMS-724 Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Business Proposal Forms for Quality Improvement Organizations (QIOs); *Use:* The submission of proposal information by current quality improvement associations (QIOs) and other bidders, on the appropriate forms, will satisfy our need for meaningful, consistent, and verifiable data with which to evaluate contract proposals. We use the data collected on the forms associated with this information collection request to negotiate QIO contracts. We will be able to compare the costs reported by the QIOs on the cost reports to the proposed costs noted on the business proposal forms. Subsequent contract and modification negotiations will be based on historic cost data. The business proposal forms will be one element of the historical cost data from which we can analyze future proposed costs. In addition, the business proposal format will standardize the cost proposing and pricing process among all QIOs. With well-defined cost centers and line items, proposals can be compared among QIOs for reasonableness and appropriateness. *Form Number:* CMS-718-721 (OMB control number: 0938-0579); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 58; *Total Annual Responses:* 58; *Total Annual Hours:* 2,320. (For policy questions regarding this collection contact Benjamin Bernstein at 410-786-6570.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/

Medicaid Psychiatric Hospital Survey Data and Supporting Regulations; *Use:* The CMS-724 form is used to collect data that assists us in program planning and evaluation and in maintaining an accurate database on providers participating in the psychiatric hospital program. Specifically, we use the information collected on this form in evaluating the Medicare psychiatric hospital program. The form is also used for audit purposes; determining patient population and characteristics of the hospital; and survey term composition. *Form Number:* CMS-724 (OMB control number: 0938-0378); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 19; *Total Annual Responses:* 191; *Total Annual Hours:* 96. (For policy questions regarding this collection contact Caroline Gallaher at 410-786-8705.)

Dated: February 1, 2021.

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021-02355 Filed 2-3-21; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-R-71, CMS-370 and CMS-377, CMS-1572, and CMS-R-65]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of

the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by March 8, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using the following:

1. Access CMS' website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Quality Improvement Organization (QIO) Assumption of Responsibilities and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982

amended Title XI of the Social Security Act to create the Utilization and Quality Control Peer Review Organization (PRO) program which replaces the Professional Standards Review Organization (PSRO) program and streamlines peer review activities. The term PRO has been renamed Quality Improvement Organization (QIO). This information collection describes the review functions to be performed by the QIO. It outlines relationships among QIOs, providers, practitioners, beneficiaries, intermediaries, and carriers. *Form Number:* CMS-R-71 (OMB control number: 0938-0445); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 6,939; *Total Annual Responses:* 972,478; *Total Annual Hours:* 1,034,655. (For policy questions regarding this collection contact Kimberly Harris at 401-837-1118.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Titles of Information Collection:* ASC Forms for Medicare Program Certification; *Use:* The form CMS-370 titled "Health Insurance Benefits Agreement" is used for the purpose of establishing an ASC's eligibility for payment under Title XVIII of the Social Security Act (the "Act"). This agreement, upon acceptance by the Secretary of Health & Human Services, shall be binding on the ASC and the Secretary. The agreement may be terminated by either party in accordance with regulations. In the event of termination of this agreement, payment will not be available for the ASC's services furnished to Medicare beneficiaries on or after the effective date of termination.

The CMS-377 form is used by ASCs to initiate both the initial and renewal survey by the State Survey Agency, which provides the certification required for an ASC to participate in the Medicare program. An ASC must complete the CMS-377 form and send it to the appropriate State Survey Agency prior to their scheduled accreditation renewal date. The CMS-377 form provides the State Survey Agency with information about the ASC facility's characteristics, such as, determining the size and the composition of the survey team on the basis of the number of ORs/procedure rooms and the types of surgical procedures performed in the ASC. *Form Numbers:* CMS-370 and CMS-377 (OMB control number: 0938-0266); *Frequency:* Occasionally; *Affected Public:* Private Sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 1,567; *Total Annual*

Responses: 1,567; *Total Annual Hours:* 1,012. (For policy questions regarding this collection contact Caroline Gallaher at 410-786-8705.)

3. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Home Health Agency Survey and Deficiencies Report; *Use:* In order to participate in the Medicare Program as a Home Health Agency (HHA) provider, the HHA must meet federal standards. This form is used to record information and patients' health and provider compliance with requirements and to report the information to the federal government. *Form Number:* CMS-1572 (OMB control number: 0938-0355); *Frequency:* Yearly; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 3,833; *Total Annual Responses:* 3,833; *Total Annual Hours:* 1,917. (For policy questions regarding this collection contact Tara Lemons at 410-786-3030.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Final Peer Review Organizations Sanction Regulations; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act (the Act), creating the Utilization and Quality Control Peer Review Organization Program. Section 1156 of the Act imposes obligations on health care practitioners and others who furnish or order services or items under Medicare. This section also provides for sanction actions, if the Secretary determines that the obligations as stated by this section are not met. Quality Improvement Organizations (QIOs) are responsible for identifying violations. The QIOs may allow practitioners or other entities, opportunities to submit relevant information before determining that a violation has occurred. The information collection requirements contained in this information collection request are used by the QIOs to collect the information necessary to make their decision. *Form Number:* CMS-R-65 (OMB control number: 0938-0444); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 18; *Total Annual Responses:* 18; *Total Annual Hours:* 4,716. (For policy questions regarding this collection contact Kimberly Harris at 401-837-1118.)

Dated: February 1, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021-02358 Filed 2-3-21; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10292]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by March 8, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the

proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* State Medicaid HIT Plan, Planning Advance Planning Document, and Implementation Advance Planning Document for Section 4201 of the Recovery Act; *Use:* To assess the appropriateness of state requests for the administrative Federal financial participation for expenditures under their Medicaid Electronic Health Record Incentive Program related to health information exchange, our staff will review the submitted information and documentation to make an approval determination of the state advance planning document. *Form Number:* CMS-10292 (OMB control number: 0938-1088); *Frequency:* Once and occasionally; *Affected Public:* State, Local, and Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 896. (For policy questions regarding this collection contact Edward Dolly at 410-786-8554.)

Dated: February 1, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021-02319 Filed 2-3-21; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct; Correction

AGENCY: Office of the Secretary, HHS.

ACTION: Correction of notice.

SUMMARY: This document corrects errors that appeared in the notice published in the November 7, 2019, **Federal Register** entitled "Findings of Research Misconduct."

DATES:

Effective Date: February 4, 2021.

Applicability Date: The correction notice is applicable for the Findings of Research Misconduct notice published on November 7, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Gorirossi or Dr. Alexander Runko at 240-453-8800.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2019-24291 of November 7, 2019 (84 FR 60097-60098), there were errors involving incorrect citations for published papers affecting six paragraphs on page 60098. The errors are identified and corrected in the Correction of Errors section below.

II. Correction of Errors

In FR Doc. 2019-24291 of November 7, 2019 (84 FR 60097-60098), make the following corrections:

1. On page 60098, first column, in FR Doc. 2019-24291, fifth paragraph, lines 1-2, change "Am. J. Physiol. Lung Cell. Mol. Biol." to "Am. J. Resp. Cell. Mol. Biol." and in lines 3-5, remove "(hereafter referred to as "Am. J. Physiol. Lung Cell. Mol. Biol. 2011b paper)."

2. On page 60098, first column, in FR Doc. 2019-24291, twelfth paragraph, lines 1-2, change "Am. J. Physiol. Lung Cell. Mol. Biol." to "Am. J. Resp. Cell. Mol. Biol."

3. On page 60098, first column, in FR Doc. 2019-24291, sixteenth paragraph, lines 1-2, change "J. Immunol. 2007;2179:4367-75" to "J. Immunol. 2007;179:4367-75."

4. On page 60098, second column, in FR Doc. 2019-24291, second paragraph,

lines 2–3, change “*Am. J. Physiol. Lung Cell. Mol. Biol.*” to “*Am. J. Resp. Cell. Mol. Biol.*”

5. On page 60098, second column, in FR Doc. 2019–24291, sixth paragraph, lines 1 and 3, change “*J. App. Physiol.*” to “*J. Appl. Physiol.*”

6. On page 60098, second column, in FR Doc. 2019–24291, twenty-third paragraph, lines 1–2, change “*Am. J. Physiol. Lung Cell. Mol. Biol.* 2011b paper” to “*Am. J. Physiol. Lung Cell. Mol. Physiol.* 2011;301(3):L327–L333.”

Dated: January 29, 2021.

Wanda K. Jones,

Acting Director, Office of Research Integrity.

[FR Doc. 2021–02272 Filed 2–3–21; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Findings of research misconduct have been made against Yibin Lin, Ph.D. (Respondent), former postdoctoral fellow, McGovern Medical School, University of Texas Health Science Center (UTHealth). Respondent engaged in research misconduct in research supported by U.S. Public Health Service (PHS) funds, specifically National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), grant R01 AI125216. The administrative actions, including debarment for a period of ten (10) years, were implemented beginning on January 7, 2021, and are detailed below.

FOR FURTHER INFORMATION CONTACT:

Wanda K. Jones, Dr. P.H., Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 240, Rockville, MD 20852, (240) 453–8200.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Yibin Lin, Ph.D., University of Texas Health Science Center: Based on the report of an assessment conducted by UTHealth, Respondent’s admission, and analysis conducted by ORI in its oversight review, ORI found that Dr. Yibin Lin, former postdoctoral fellow, McGovern Medical School, UTHealth, engaged in research misconduct in research supported by PHS funds, specifically NIAID, NIH, grant R01 AI125216.

ORI found that Respondent engaged in research misconduct by knowingly and intentionally falsifying, fabricating, and plagiarizing data and text reported in the following published papers, which have been retracted, and manuscripts:

Published Papers

- Efficient Method for Genomic DNA Mutagenesis in *E. coli*. *bioRxiv* 2020. doi: <https://doi.org/10.1101/2020.05.16.097097>.

- A simple and efficient method for in vitro site directed mutagenesis. *bioRxiv* 2020. doi: <https://doi.org/10.1101/2020.05.16.100107>.

- A restriction-free method for gene reconstitution. *bioRxiv* 2020. doi: <https://doi.org/10.1101/2020.05.20.107631>.

- Efficient Method for Protein Crystallization. *bioRxiv* 2020. doi: <https://doi.org/10.1101/2020.05.24.113860>.

- Rice Tolerance to Drought is Complex Both Physiologically and Genetically. *bioRxiv* 2020. doi: <https://doi.org/10.1101/2020.08.19.258293>.

- ITS2 Pretrial Gene Identification Related to Seed and Flower Identification for *Cyclea barbata*. *bioRxiv* 2020. doi: <https://doi.org/10.1101/2020.08.20.259804>.

Manuscripts Submitted to bioRxiv in 2020 and Not Published

- Analysis of the Deduced Amino Acid Sequence of Lectin-like Protein.

- Comprehensive proteomic characterization of ovarian tumors.

- Insight into the membrane protein localization and antibiotic resistance by fluorescence microscopy.

- Invariant States of the Algebra of Observables.

- The Biochemical Analysis the Expression Levels of Pre-synaptic, Post-synaptic, Nuclear and Mitochondrial Markers.

- The Overall Difference Analysis of Antioxidant of Isoflavone from Three Kinds of Soybean Stems.

- The Overall Difference Analysis of Antioxidant of Isoflavone from Three Kinds of Tomato.

Manuscript Rejected by bioRxiv and Resubmitted to medRxiv in 2020

- Invariant States of the Algebra of Observables.

ORI finds that Respondent knowingly and intentionally falsified, fabricated, and plagiarized the whole content of six (6) papers and eight (8) manuscripts, falsely created fictitious author names and affiliations without listing himself as an author to disguise himself from being the offender, and submitted them

for publication in *bioRxiv* and *medRxiv*, open access preprint repositories, by falsely assembling random paragraphs of text, tables, and figures from previous publications and manuscripts to improve his citation metrics.

Dr. Lin entered into a Voluntary Exclusion Agreement (Agreement) and agreed to the following:

(1) Because the Respondent also attempted to deceive the online publication sites *bioRxiv* and *medRxiv* by creating fictitious author names and affiliations without listing himself as an author, Respondent agreed to exclude himself voluntarily for a period of ten (10) years beginning on January 7, 2021, from any contracting or subcontracting with any agency of the United States Government and from eligibility for or involvement in nonprocurement programs of the United States Government referred to as “covered transactions” pursuant to HHS’ Implementation (2 CFR part 376) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR part 180 (collectively the “Debarment Regulations”); and

(2) Respondent agreed to exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of ten (10) years, beginning on January 7, 2021.

Dated: January 29, 2021.

Wanda K. Jones,

Acting Director, Office of Research Integrity, Office of the Assistant Secretary for Health.

[FR Doc. 2021–02273 Filed 2–3–21; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; G08.

Date: March 26, 2021.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video Assisted Meeting.

Contact Person: Leonid V. Tsap, Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892-7968, 301-827-7077, tsapl@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: January 26, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02278 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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: National Cancer Institute Special Emphasis Panel; SEP-2: Research Answers to NCI Provocative Questions.

Date: February 23, 2021.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: David G. Ransom, Ph.D., Chief, Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850, 240-276-6351, david.ransom@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI SPORE (P50) Review V.

Date: February 25-26, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W120, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Majed M. Hamawy, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W120, Rockville, Maryland 20850, 240-276-6457, mh101v@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Visualization Methods and Tools Development for Enhancing Cancer Moonshot Data (R33).

Date: March 10, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W108, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Rockville, Maryland 20850, 240-276-6343, schweinfestcw@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-7: NCI Clinical and Translational R21 and Omnibus R03 Review.

Date: March 16-17, 2021.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: David G. Ransom, Ph.D., Chief, Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850, 240-276-6351, david.ransom@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; 3D Technologies to Accelerate HTAN.

Date: March 19, 2021.

Time: 9:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W556, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Kamal Datta, M.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W556, Rockville, Maryland 20850, 240-276-6526, kamal.datta@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; R01(IARC) Conference Grant Review.

Date: April 6, 2021.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W552, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Jeanette Irene Marketon, Ph.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W552, Rockville, Maryland 20850, 240-276-6780, jeanette.marketon@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 26, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02289 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Institute Council of Research Advocates.

The meeting will be held as a virtual meeting and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov>).

Name of Committee: National Cancer Institute Council of Research Advocates.

Date: March 10-11, 2021.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: Welcome and Chairwoman's Remarks, NCI Updates, Legislative Update, and Director's Update.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Amy Williams, NCI Office of Advocacy Relations, National Cancer

Institute, NIH, 31 Center Drive, Building 31, Room 10A28, Bethesda, MD 20892, (301) 496-9723, william@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NCRA: <http://deainfo.nci.nih.gov/advisory/ncra/ncra.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 26, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02292 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Cancer Genetics Study Section, February 22, 2021, 09:30 a.m. to February 23, 2021, 05:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on January 22, 2021, V86, Page 6660.

The meeting time changed from 8:00 a.m. to 9:30 a.m. The meeting location remains the same. The meeting is closed to the public.

Dated: January 27, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02301 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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: National Institute of General Medical Sciences Special Emphasis Panel; Review of NIGMS PRAT Applications.

Date: March 3, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: John J. Laffan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18J, Bethesda, MD 20892, 301-594-2773, laffanjo@mail.nih.gov.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Postdoctoral Research Associate Training (PRAT) Program.

Date: March 25, 2021.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301-594-3907, pikibr@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 25, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02288 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Clinical Trials.

Date: February 23, 2021.

Time: 12:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-8886, sanoviche@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02311 Filed 2-3-21; 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; Pulmonary Immune Host Defense.

Date: March 1, 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: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301-435-1506, jakesse@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemistry and Biological Chemistry.

Date: March 1–2, 2021.

Time: 11:00 a.m. to 5:00 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: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301-435-1180, ruvinsr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; The blood-brain barrier, neurovascular systems and CNS therapeutics.

Date: March 2, 2021.

Time: 10:00 a.m. to 5:00 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: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187,

Bethesda, MD 20892, 301-537-9986, macarthurlh@csr.nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Vaccines Against Microbial Diseases Study Section.

Date: March 3–5, 2021.

Time: 9:00 a.m. to 5:00 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: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 435-2778, wangjia@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Organization and Delivery of Health Services Study Section.

Date: March 3–4, 2021.

Time: 9:00 a.m. to 5:00 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: Catherine Hadelor Maulsby, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435-1266, maulsbych@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Innate Immunity and Inflammation Study Section.

Date: March 3–5, 2021.

Time: 12:00 p.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: Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301-594-6375, mccintyrt@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: January 27, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02300 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of General Medical 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 Institute of General Medical Sciences Special Emphasis Panel; Review of NIGMS Pathway to Independence Award K99/R00 Applications.

Date: March 11, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301-594-3907, pikebr@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02309 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Center for Complementary & Integrative Health; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; NIH Blueprint for Neuroscience Research: Functional Neural Circuits of Interoception.

Date: March 18th–19th, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative Health, DEMII, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jessica Marie McKlveen, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–547, jessica.mcklveen@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: January 27, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02297 Filed 2–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be held as a virtual meeting and open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov/>).

Name of Committee: Advisory Committee on Research on Women's Health.

Date: April 14, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: Director's Report, Discussions on COVID–19 and Mental Health with a Focus on the Impact on Women, Presentation from Deputy Director of National Institute of Mental Health (NIMH), Concept Clearance for various programs.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Samia Noursi, Ph.D., Associate Director, Science Policy, Planning, and Analysis, Office of Research on Women's Health, National Institutes of Health, 6707 Democracy Blvd., Room 402, Bethesda, MD 20892, 301–496–9472, samia.noursi@nih.gov.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meetings. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <https://orwh.od.nih.gov/>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02312 Filed 2–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research 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 Human Genome Research Institute Special Emphasis Panel; dGTEx LDACC RFA—SEP.

Date: February 17, 2021.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20817, (301) 435–1580, pozatt@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 22, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02281 Filed 2–3–21; 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 20–241: Large Scale Mapping and/or Molecular Profiling of Ensembles and/or Cell-Types Mediating Opioid Action in the Rodent Brain.

Date: February 23, 2021.

Time: 10:00 a.m. to 2:00 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: Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, elliottro@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Interdisciplinary Molecular Sciences and Training.

Date: February 26, 2021.

Time: 9:00 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: John Harold Laity, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–402–8254, john.laity@nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Interoception and Chemosensation Study Section.

Date: February 26, 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: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, bishopj@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: January 22, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02283 Filed 2–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: March 10–12, 2021.

Time: 5:00 p.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7017, Bethesda, MD 20892–5452, (301) 594–7637, davila-bloomm@extra.nidk.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02307 Filed 2–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public via NIH Videocast. The URL link to this meeting is <https://videocast.nih.gov/watch=41378>.

Individuals who need special assistance or reasonable accommodations should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.

Date: February 25, 2021.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: OAR Director's Report; updates from the HIV Antiretroviral and Opportunistic Infections Guidelines Working Groups of OARAC; updates from NIH HIV-related advisory councils; presentation from the Director of the National Center for Advancing Translational Sciences; report out and discussion from the OAR Early Stage Investigator taskforce and public comment.

Place: Office of AIDS Research, National Institutes of Health, 5601 Fishers Lane, Room 2E61, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mary T. Glenshaw, Ph.D., MPH, Office of AIDS Research, National Institutes of Health, 5601 Fishers Lane, Room 2E61, Rockville, MD 20852, OARACInfo@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: www.oar.nih.gov, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: January 26, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02277 Filed 2–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; NIH Blueprint for Neuroscience Research: Functional Neural Circuits of Interoception (2).

Date: March 18th, 2021.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative Health, Dem II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Martina Schmidt, Ph.D., Chief Office of Scientific Review, National Center for Complementary & Integrative Health, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301-594-3456, schmidma@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: January 27, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02299 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Collaborative Cross Mouse Model Generation and Discovery of Immunoregulatory Mechanisms (R21).

Date: February 25, 2021.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240-191-4281, capecet2@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 28, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02303 Filed 2-3-21; 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; CTSA Collaborative Innovation Awards Review Meeting.

Date: February 17, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1073, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: M. Lourdes Ponce, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1073, Bethesda, MD 20892, 301-435-0810, lourdes.ponce@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: January 22, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02280 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meetings

Notice is hereby given of a change in the meetings of the National Institute of Child Health and Human Development Special Emphasis Panels, April 20, 2021, 8:00 a.m. to April 21, 2021, 6:00 p.m., NIH, and April 22, 2021, 8:00 a.m. to April 22, 2021, 6:00 p.m., NIH, 6710B Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 15, 2021, 86 FR 4105.

The dates of the meetings changed to March 9, 2021, 8:00 a.m. to March 10, 2021, 6:00 p.m. and March 11, 2021, 8:00 a.m. to March 11, 2021, 6:00 p.m., respectively.

The meetings are closed to the public.

Dated: January 29, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02293 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of General Medical 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: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—D To Review MARC, U-RISE and G-RISE Applications.

Date: March 9, 2021.

Time: 10:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Tracy Koretsky, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, MSC 6200, Room 3AN.12F, Bethesda, MD 20892, (301) 594 2886, tracy.koretsky@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02308 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Cancer Institute; Notice of Meeting**

Pursuant to section 10(a) of the Federal Advisory Committee Act, as

amended, notice is hereby given of a meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

The meeting will be held as a virtual meeting and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov>).

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

Date: March 17, 2021.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: Strategic Discussion of NCI's Clinical and Translational Research Programs.

Place: National Cancer Institute, 9609 Medical Center Drive, Rockville, MD 20850 (Virtual Meeting).

Contact Person: Sheila A. Prindiville, MD, MPH, Director, Coordinating Center for Clinical Trials, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 6W136, Rockville, MD 20850, 240-276-6173, prindivs@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 27, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02298 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Multi-Center Clinical Trial Cooperative Agreement (U01 Clinical Trial Required).

Date: March 2, 2021.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7119, Bethesda, MD 20892-5452, 301-594-2242, jerkinsa@nidddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02306 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Eye Institute; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Advisory Eye Council, February 12, 2021, 10:00 a.m. to 4:00 p.m., National Eye Institute,

National Institutes of Health, 6700 Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting) which was published in the **Federal Register** on January 15, 2021, 86 FR 4104.

The notice is being amended to change the end of the open session from 11:30 a.m. to 1:30 p.m. The meeting is partially Closed to the public.

Dated: January 28, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02304 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical 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 Institute of General Medical Sciences Special Emphasis Panel; Review of Institutional Development Award (IDeA) Program Infrastructure for Clinical and Translational Research (IDeA-CTR) (U54).

Date: March 19, 2021.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Saraswathy Seetharam, Ph.D., Scientific Review Officer, Office Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301-594-2763, seetharams@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859,

Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 25, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02287 Filed 2-3-21; 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: Biobehavioral and Behavioral Processes Integrated Review Group; Motor Function, Speech and Rehabilitation Study Section.

Date: February 22-23, 2021.

Time: 9:00 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: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 402-4411, tianbi@csr.nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: February 24-25, 2021.

Time: 9:00 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: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, (301) 451-0132, bloomm2@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Human Complex Mental Function.

Date: February 24, 2021.

Time: 2:30 p.m. to 3:30 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: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 455-1761, kellya2@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroscience and Neurodegeneration Study Section.

Date: February 25-26, 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: Alessandra C. Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 5205, MSC 7846, Bethesda, MD 20892, (301) 435-1021, rovescaa@mail.nih.gov.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.

Date: February 25-26, 2021.

Time: 9:00 a.m. to 5:00 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: Jonathan K. Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2190, MSC 7850, Bethesda, MD 20892, (301) 594-1245, ivinsj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Cellular and Molecular Biology of Complex Brain Disorders.

Date: February 25-26, 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: Adem Can, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, (301) 435-1042, cana2@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: January 25, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02285 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; New Technologies and Bioengineering Solutions for the Advancement of Cell Replacement Therapies for Type 1 Diabetes (R43/R44 Clinical Trial Not Allowed).

Date: March 24, 2021.

Time: 10:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7119, Bethesda, MD 20892-5452, 301-594-2242, jerkinsa@nidk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02305 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Kirschstein NRSA Individual Postdoctoral Fellowship (F32).

Date: February 26, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892-9608, 301-443-4525, steinerr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: January 27, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02296 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Exploratory Clinical Trials of Mind and Body Interventions (MB).

Date: March 2-3, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Pamela Jeter, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-547, 301-435-2591, pamela.jeter@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: January 22, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02282 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee (AITC) February Council.

Date: February 25-26, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G31B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601

Fishers Lane, Room 3G31B, Rockville, MD 20852, (240) 669-5060, james.snyder@nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 27, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02302 Filed 2-3-21; 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; Rare Diseases.

Date: February 18, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1076, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carol Lambert, Ph.D., Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1076, Bethesda, MD 20892, 301-435-0814, lambert@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: January 22, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02274 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource Related Research Projects (R24 Clinical Trial Not Allowed).

Date: February 23, 2021.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G20, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Zhuqing (Charlie) Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G20, Rockville, MD 20852, (240) 669-5068, zhuqing.li@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 26, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02275 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing as a biological material to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Jeffrey Thruston at 301-594-5179 or jeffrey.thruston@nih.gov. Licensing information may be obtained by communicating with the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished information related to the invention.

SUPPLEMENTARY INFORMATION: Technology description follows:

A VSV-EBOV-Based Vaccine Against COVID-19

Description of Technology

Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is the causative agent of for coronavirus disease 2019 (COVID-19). COVID-19 is characterized by fever, cough, difficulty breathing, loss of taste and smell, nausea, and sore throat. As of the fourth quarter 2020, COVID-19 is responsible for over 1.17 million deaths worldwide. As the pandemic continues to surge, the importance of a safe, affordable, and efficacious vaccine is of urgent importance. The present technology utilizes the well characterized vesicular stomatitis virus (VSV) encoding the Ebola virus (VSV-EBOV) to express additionally a codon-optimized SARS-CoV-2 spike protein. A single intranasal or intramuscular administration of the vaccine showed protective efficacy against COVID-19 in hamsters after 4 weeks. A single intramuscular injection showed protective efficacy against COVID-19 pneumonia in rhesus macaques within 10 days. The vaccine is inexpensive to replicate, elicits a high antigen-specific antibody titer within

the host, and provides protective efficacy after a single dose.

This technology is available for licensing, as a biological material, for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404.

Potential Commercial Applications

- Single dose vaccine against COVID-19

Competitive Advantages

- Utilizes the established and well characterized VSV-EBOV vector
- Expresses high antigen titers within host cells
- Single dose protective efficacy against COVID-19
- Inexpensive and replicable

Development Stage

- Prototype
- In vivo/In vitro

Inventors: Andrea Marzi (NIAID), Wakako Asada (NIAID).

Licensing Contact: To license this technology, please contact Jeffrey Thruston at 301-594-5179 or jeffrey.thruston@nih.gov, and reference E-233-2017-0.

Dated: January 19, 2021.

Surekha Vathyam,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2021-02294 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID New Innovators Awards (DP2 Clinical Trial Not Allowed).

Date: March 2-3, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Jennifer H. Meyers, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20852, 301-761-6602, jennifer.meyers@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 26, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02276 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; K99 and COI.

Date: March 18, 2021.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video Assisted Meeting.

Contact Person: Leonid V. Tsap, Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892-7968, 301-827-7077, tsapl@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: January 26, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02279 Filed 2-3-21; 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: Biobehavioral and Behavioral Processes Integrated Review Group; Human Complex Mental Function Study Section.

Date: February 24-26, 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: Karen Elizabeth Seymour, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240-762-2729, karen.seymour@nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Acute Neural Injury and Epilepsy Study Section.

Date: February 25-26, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20892, 301-760-8207, schauweckerpe@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Brain Injury and Neurovascular Pathologies.

Date: February 26, 2021.

Time: 12:00 p.m. to 4:00 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: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892–7846, 301–435–1254, yakovleva@csr.nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: March 1–2, 2021.

Time: 8:00 a.m. to 5:00 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: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 2208, Bethesda, MD 20892, 301–402–3702, christopher.payne@nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Immunopathology and Immunotherapy Study Section.

Date: March 1–2, 2021.

Time: 9:00 a.m. to 5:00 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: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, huzhuang@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services: Quality and Effectiveness Study Section.

Date: March 1–2, 2021.

Time: 9:00 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: Shalanda A. Bynum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301–755–4355, bynumsa@csr.nih.gov.

Name of Committee: Biology of Development and Aging Integrated Review Group; Drug Discovery and Molecular Pharmacology Study Section.

Date: March 1–2, 2021.

Time: 9:00 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: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, smileyja@csr.nih.gov.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Cancer Etiology Study Section.

Date: March 1, 2021.

Time: 10:00 a.m. to 5:00 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: Sarita Kandula Sastry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20782, 301–402–4788, sarita.sastry@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: January 26, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02291 Filed 2–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Frederick National Laboratory Advisory Committee to the National Cancer Institute.

The meeting will be held virtually and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov/>).

Name of Committee: Frederick National Laboratory Advisory Committee to the National Cancer Institute.

Date: February 23, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Ongoing and new activities at the Frederick National Laboratory for Cancer Research.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Virtual Meeting).

Contact Person: Caron A. Lyman, Ph.D., Executive Secretary, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 7W126,

Bethesda, MD 20892–9750, 240–276–6348, lymanc@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://deainfo.nci.nih.gov/advisory/fac/fac.htm>, where an agenda, instructions for access, and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 29, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02313 Filed 2–3–21; 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 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: National Institute on Aging Special Emphasis Panel; GEMSTAR.
Date: March 1, 2021.

Time: 10:00 a.m. to 7:00 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.

Name of Committee: National Institute on Aging Special Emphasis Panel; Trauma Exposure and Cognitive Decline in Brain Aging.

Date: March 3, 2021.

Time: 1:00 p.m. to 4:00 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: Rajasri Roy, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496-6477, rajasri.roy@nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel; Age-related traits In SardinIA5.

Date: March 5, 2021.

Time: 3:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301-496-9374, grimaldim2@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02310 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; A Generic Submission for Formative Research, Pre-Testing, Stakeholder Measures and Advocate Forms at NCI (National Cancer Institute)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Amy Williams, Director of the Office of Advocacy Relations (OAR), NCI, NIH, 31 Center Drive, Bldg. 31, Room 10A28, MSC 2580, Bethesda, MD 20892, call non-toll-free number 240-781-3406, or email your request, including your address, to amy.williams@nih.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on October 8, 2020, page 63565 (Vol. 85 FR 63565) and allowed 60 days for public comment. No public comments were received. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: A Generic Submission for Formative Research, Pre-

testing, Stakeholder Measures and Advocate Forms at NCI, OMB #0925-0641; Expiration Date 1/31/2021, Reinstatement Without Change. National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The Office of Advocacy Relations (OAR) disseminates cancer-related information to a variety of stakeholders, seeks input and feedback, and facilitates collaboration to advance NCI’s authorized programs. It is beneficial for NCI, through the OAR, to pretest strategies, concepts, activities and materials while they are under development. Additionally, administrative forms are a necessary part of collecting demographic information and areas of interest for advocates. Since OAR is responsible for matching advocates to NCI programs and initiatives across the cancer continuum, it is necessary to measure the satisfaction of both internal and external stakeholders with this collaboration. This customer satisfaction research helps ensure the relevance, utility, and appropriateness of the many initiatives and products that OAR and NCI produce. The OAR will use a variety of qualitative (interviews) methodology to conduct this research, allowing NCI to: (1) Understand characteristics (attitudes, beliefs, and behaviors) of the intended target audience and use this information in the development of effective strategies, concepts, activities; (2) use a feedback loop to help refine, revise, and enhance OAR’s efforts—ensuring that they have the greatest relevance, utility, appropriateness, and impact for/to target audiences; and (3) expend limited program resource dollars wisely and effectively. The anticipated respondents will consist of adult cancer research advocates; members of the public; health care professionals; and organizational representatives.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 18.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
In-Depth Interviews	Individuals	6	1	30/60	3
Profile Completion	Individuals	30	1	30/60	15
Totals .....	.....	.....	36	.....	18

Dated: January 29, 2021.

Diane Kreinbrink,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2021-02295 Filed 2-3-21; 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; Technology Engagement and Aging.

Date: February 19, 2021.

Time: 12:30 p.m. to 4:30 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: Kimberly Firth, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2W200, Bethesda, MD 20892, 301-402-7702, firthkm@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 25, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02286 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group; Mental Health Services Research Committee.

Date: February 25-26, 2021.

Time: February 25, 2021, 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Time: February 26, 2021, 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301-443-1225, aschulte@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: January 25, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-02290 Filed 2-3-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2021-0006]

Determination of a National Emergency Requiring Actions To Protect the Safety of Americans Using and Employed by the Transportation System

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: In consultation with public health officials and consistent with the January 21, 2021 *Executive Order on Promoting COVID-19 Safety in Domestic and International Travel* and the January 29, 2021 Order by the U.S. Centers for Disease Control and Prevention announcing a requirement for persons to wear masks while on conveyances and at transportation hubs, the Acting Secretary of Homeland Security on January 27, 2021, issued a *Declaration of a National Emergency Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System* (“declaration”). The declaration finds that a national emergency exists and directs the Transportation Security Administration to take certain actions to promote safety in and to secure the transportation system and to mitigate the spread of COVID-19 through the transportation system. The text of the declaration is set out below.

Christina E. McDonald,

Federal Register Liaison, U.S. Department of Homeland Security.

BILLING CODE 9110-9M-P

**Determination of a National Emergency Requiring Actions to Protect the Safety of
Americans Using and Employed by the Transportation System**

As reflected in numerous determinations by the Executive Branch, including the President's March 13, 2020 determination that the outbreak of Coronavirus Disease 2019 (COVID-19) constitutes a "national emergency" under the National Emergencies Act and the nationwide public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, the COVID-19 pandemic continues to pose a threat to our health and security. On January 15, 2021, the Centers for Disease Control and Prevention (CDC) updated their information to account for several new strains of COVID-19, including variant B.1.1.7 from the United Kingdom, variant B.1.351 from South Africa, and variant B.1.1.28.1 from Brazil. As of January 20, 2021, the United States has experienced more than 24 million confirmed COVID-19 cases and more than 400,000 COVID-19 deaths. The CDC, the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of travelers spreading COVID-19. On January 21, 2021, the President issued the *Executive Order on Promoting COVID-19 Safety in Domestic and International Travel*. The purpose of this Executive Order is to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely. Further, on January 25, 2021 the President issued a *Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease* whereby he reinstated travel restriction for individuals traveling to the United States from the United Kingdom, Ireland, the Schengen Area, and instituted restrictions for South Africa.

In the light of these circumstances and direction from the President, and after consultation with public health officials, I, David P. Pekoske, Acting Secretary of Homeland Security, pursuant to the authority vested in me under section 101 of the Aviation and Transportation Security Act (ATSA), as codified at section 114(g) of title 49, United States Code (U.S.C.) do hereby determine that a national emergency exists and am directing the Transportation Security Administration to take actions consistent with the authorities in ATSA as codified at 49 U.S.C. sections 106(m) and 114(f), (g), (l), and (m) to implement the Executive Order to promote safety in and secure the transportation system. This includes supporting the CDC in the enforcement of any orders or other requirements necessary to protect the transportation system, including

passengers and employees, from COVID-19 and to mitigate the spread of COVID-19 through the transportation system, to the extent appropriate and consistent with applicable law. I specifically direct the Transportation Security Administration to use its authority to accept the services of, provide services to, or otherwise cooperate with other federal agencies, including through the implementation of countermeasures with appropriate departments, agencies, and instrumentalities of the United States in order to address a threat to transportation, recognizing that such threat may involve passenger and employee safety.

 1/27/2021

David P. Pekoske
Acting Secretary
Department of Homeland Security

[FR Doc. 2021-02359 Filed 2-3-21; 8:45 am]
BILLING CODE 9110-9M-C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7034-N-07]

30-Day Notice of Proposed Information Collection: Rehabilitation Mortgage Insurance Underwriting Program Section 203(k); OMB Control No.: 2502-0527

AGENCY: Office of the Chief Information
Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 8, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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/StartPrintedPage15501PRAMain. 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; email Colette.Pollard@

hud.gov or telephone 202-402-3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD 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 July 2, 2020 at 85 FR 39929.

A. Overview of Information Collection

Title of Information Collection: Rehabilitation Mortgage Insurance Underwriting Program Section 203(k).

OMB Approval Number: 2502-0527.

Type of Request: Extension of currently approved collection.

Form Number: HUD-92700-A, HUD-9746-A.

Description of the need for the information and proposed use:

This request for OMB review involves an extension request for information collected under OMB Approval Number 2502-0527 for lenders that originate and service Section 203(k) mortgages.

The Section 203(k) program requires mortgagees to collect information about the scope of repair and improvement work, its cost, and control of escrow funds to pay for the improvements as they are completed. This program operates in conjunction with FHA’s underwriting standards and systems for all Section 203(b) loans as documented in OMB Control Numbers 2502-0059 & 2502-0556. Per the existing collection, there are 1,312 respondents made up of

participating lenders and 203(k) Consultants.

Respondents (i.e., affected public): Business or other for-profit.

Estimated Number of Respondents: 1,312.

Estimated Number of Responses: 211,667.

Frequency of Response: On occasion (Once per loan).

Average Hours per Response: 0.85.

Total Estimated Burdens: 188,516.

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 comments in response to these questions.

Authority: Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Colette Pollard,

*Department Management Reports
Management Officer, Office of the Chief
Information Officer.*

[FR Doc. 2021-02256 Filed 2-3-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-773]

**Importer of Controlled Substances
Application: Mylan Pharmaceuticals
Inc.**

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Notice of application.

SUMMARY: Mylan Pharmaceuticals Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 8, 2021. Such persons may also file a written request for a hearing on the application on or before March 8, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on December 18, 2020, Mylan Pharmaceuticals Inc., 2898 Manufacturers Road, Greensboro, North Carolina 27406-4600, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Remifentanyl	9739	II

The company plans to import the above-controlled substance as the Federal Drug Administration-approved drug product in finished dosage form for commercial distribution to its customers. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021-02315 Filed 2-3-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

**Notice of Lodging of Proposed
Consent Decree Under the Clean Air
Act ("CAA")**

On January 29, 2021, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Utah in the lawsuit entitled *United States v. Stericycle, Inc.*, Civil Action No. 1:21-cv-00012-JNP.

The United States filed this lawsuit under the Clean Air Act alleging violations of NOx emission limits at Stericycle, Inc.'s medical waste incinerator in North Salt Lake, Utah (an ozone nonattainment area) and other related violations. The proposed consent decree will require Stericycle to pay a \$600,000 civil penalty and conduct a supplemental environmental project to replace 15-20 pre-2006 diesel school buses with low emitting models at an estimated cost of \$2,000,000.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Stericycle, Inc.*, D.J. Ref. No. 90-5-2-1-12057. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>

To submit comments:	Send them to:
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$8.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

*Assistant Section Chief, Environmental
Enforcement Section, Environment and
Natural Resources Division.*

[FR Doc. 2021-02353 Filed 2-3-21; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

**Agency Information Collection
Activities; Submission for OMB
Review; Comment Request; Alternative
Method of Compliance for Certain
Simplified Employee Pensions**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this EBSA-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 8, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department,

including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (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.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202-693-8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 110 of ERISA (29 U.S.C. 1030) authorizes the Secretary of Labor to prescribe alternative methods of compliance with the reporting and disclosure requirements of Title I of the Employee Retirement Income Security Act of 1974 (ERISA) for pension plans. Simplified Employee Pensions (SEPs) are established by section 408(k) of the Internal Revenue Code of 1986 (the Code). Although SEPs are primarily a development of the Code subject to its requirements, SEPs are also pension plans subject to the reporting and disclosure requirements of Title I of ERISA. The disclosure requirements set forth in the regulation ensure that administrators of non-model SEPs provide participants with specific written information concerning SEPs. This ICR generally requires timely written disclosure to employees eligible to participate in non-model SEPs, including specific information concerning: Participation requirements; allocation formulas for employer contributions; designated contact persons for further information; and, for employer recommended IRAs, specific terms of the IRAs such as rates of return and any restrictions on withdrawals. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 20, 2020 (85 FR 66580).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not

display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-EBSA.

Title of Collection: Alternative Method of Compliance for Certain Simplified Employee Pensions.

OMB Control Number: 1210-0034.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of

Respondents: 35,660.

Total Estimated Number of

Responses: 67,930.

Total Estimated Annual Time Burden: 21,227 hours.

Total Estimated Annual Other Costs Burden: \$3,223.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 28, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021-02325 Filed 2-3-21; 8:45 am]

BILLING CODE 4510-29-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employee Retirement Income Security Act of 1974 Prohibited Transaction Provisions Exemption Application Procedure

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this EBSA-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 8, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (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.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202-693-8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This information collection relates to the Department's regulation governing the procedure for filing and processing of applications for administrative exemptions from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (ERISA), the Internal Revenue Code of 1986 (the Code), and the Federal Employees' Retirement System Act of 1986 (FERSA). The regulation contains the following collections of information: (1) An applicant for an exemption must disclose information regarding the application and certify that the information is necessary in order for the Department to make an informed determination regarding the application and (2) the applicant must distribute a notice to interested parties, in which participants and beneficiaries are informed of the application for exemption and have an opportunity to respond. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 20, 2020 (85 FR 66580).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3)

years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Employee Retirement Income Security Act of 1974 Section 408(a) Prohibited Transaction Provisions Exemption Application Procedure.

OMB Control Number: 1210–0060.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 20.

Total Estimated Number of Responses: 4,899.

Total Estimated Annual Time Burden: 632 hours.

Total Estimated Annual Other Costs Burden: \$551,422.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 28, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–02326 Filed 2–3–21; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Investment Advice Participants and Beneficiaries

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this EBSA-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 8, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of

the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (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.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Department’s rule allows financial services firms, such as a registered investment adviser, bank, or registered broker-dealer, to provide investment advice on its proprietary investment products or other investments that would result in fees or other payments to the firm, if the firm complies with a fee-leveling requirement or the advice is furnished using a certified computer model. The regulation contains the following collections of information: (1) A fiduciary adviser must furnish an initial disclosure that provides detailed information to participants about an advice arrangement before initially providing investment advice; (2) a fiduciary adviser must engage, at least annually, an independent auditor to conduct an audit of the investment advice arrangement for compliance with the regulation; (3) if the fiduciary adviser provides the investment advice through the use of a computer model, the fiduciary adviser must obtain the written certification of an eligible investment expert as to the computer model’s compliance with certain standards (e.g., applies generally accepted investment theories, unbiased operation, objective criteria) set forth in the regulation before providing the advice; and (4) fiduciary advisers must maintain records with respect to the investment advice provided in reliance on the regulation necessary to determine whether the applicable requirements of the regulation have been satisfied. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 20, 2020 (85 FR 66580).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an

information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Investment Advice Participants and Beneficiaries.

OMB Control Number: 1210–0134.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 11,396.

Total Estimated Number of Responses: 23,033,030.

Total Estimated Annual Time Burden: 2,423,391 hours.

Total Estimated Annual Other Costs Burden: \$318,912,816.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 28, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–02327 Filed 2–3–21; 8:45 am]

BILLING CODE 4510–29–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 20–CRB–0008–CA (2020–2025)]

Adjustment of Cable Statutory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice of proposed settlement; request for comments.

SUMMARY: The Copyright Royalty Judges publish for comment a proposed settlement governing royalty rates and terms for the distant retransmission of over-the-air television and radio broadcast stations by cable television systems to their subscribers.

DATES: Comments are due no later than February 25, 2021.

ADDRESSES: You may send comments, identified by docket number 20–CRB–0008–CA, online through eCRB at <https://app.crb.gov>.

Instructions: All submissions received must include the Copyright Royalty

Board name and the docket number for this proceeding. All comments received will be posted without change to eCRB at <https://app.crb.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to eCRB at <https://app.crb.gov> and perform a case search for docket 20–CRB–0008–CA.

FOR FURTHER INFORMATION CONTACT:

Anita Blaine, Program Specialist, by telephone at (202) 707–7658, or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: On January 26, 2021, the Copyright Royalty Judges (Judges) received a Joint Notice of Settlement of Participating Parties¹ informing the Judges that they have agreed not to seek a quinquennial adjustment in the existing Section 111 royalty rates or gross receipts limitations pursuant to 17 U.S.C. 804(b)(1)(A)–(B) for the 2020–2025 period. As a result, the Participating Parties request that the Judges terminate this proceeding without making any changes in (1) the royalty rates currently set forth in 17 U.S.C. 111(d)(1)(B) and 37 CFR 256.2(c)–(d);² and (2) the gross receipts limitations set forth in 17 U.S.C. 111(d)(1)(E)–(F). Joint Notice at 2. The Judges hereby publish the proposed settlement and request comments from interested parties as required by 17 U.S.C. 801(b)(7)(A).

Section 111 of the Copyright Act grants a statutory copyright license to cable television systems for the distant retransmission of over-the-air television and radio broadcast stations to their subscribers. 17 U.S.C. 111(c). In exchange for the license, cable operators submit to the Copyright Office semiannually royalty payments and statements of account detailing their retransmissions. 17 U.S.C. 111(d)(1). The Copyright Office deposits the royalties into the United States Treasury for later distribution to copyright

owners of the broadcast programming that the cable systems retransmit. 17 U.S.C. 111(d)(2).

A cable system calculates its royalty payments in accordance with the statutory formula described in 17 U.S.C. 111(d)(1). Royalty rates are based upon a cable system's gross receipts from subscribers who receive retransmitted broadcast signals. For rate calculation purposes, cable systems are divided into three tiers (small, medium, and large) based on their gross receipts. 17 U.S.C. 111(d)(1)(B) through (F). Both the applicable rates and the tiers are subject to adjustment. 17 U.S.C. 801(b)(2).

Every five years persons with a significant interest in the royalty rates may file petitions to initiate a proceeding to adjust the rates. 17 U.S.C. 804(a)–(b). No person with a significant interest filed a petition to initiate a proceeding in 2020. Therefore, the Judges initiated a rate adjustment proceeding by publishing a notice and request for petitions to participate in the **Federal Register**. 85 FR 34467 (June 4, 2020). The Judges accepted the petitions to participate of each of the Participating Parties and commenced a Voluntary Negotiation Period (VNP). Notice of Participants, Commencement of Voluntary Negotiation Period, and Scheduling Order (Oct. 20, 2020).³ In response to that Notice and Order, the Participating Parties have notified the Judges that they have agreed not to seek a quinquennial adjustment in the existing Section 111 royalty rates or gross receipts limitations pursuant to 17 U.S.C. 804(b)(1)(A)–(B) for the 2020–2025 period. They request that the Judges terminate this proceeding without making any changes in the applicable royalty rates and gross receipts limitations.

Section 801(b)(7)(A) allows for the adoption of rates and terms negotiated by “some or all of the participants in a proceeding at any time during the proceeding” provided the parties submit the negotiated rates and terms to the Judges for approval. That provision directs the Judges to provide those who would be bound by the negotiated rates and terms an opportunity to comment on the agreement. Unless a participant in a proceeding objects and the Judges conclude that the agreement does not

provide a reasonable basis for setting statutory rates or terms, the Judges adopt the negotiated rates and terms. 17 U.S.C. 801(b)(7)(A).

If the Judges adopt the proposed rates and terms pursuant to this provision for the 2020–2025 rate period, the adopted (and thus, existing) rates and terms and gross receipts limitations will continue to be binding on all cable systems that retransmit distantly over-the-air television and radio broadcast stations to their subscribers and on all copyright owners of the broadcast programming that the cable systems retransmit during the license period 2020–2025.

Interested parties may comment and Participating Parties may object to the proposed settlement referenced in this notice. See 17 U.S.C. 801(b)(7)(A). Such comments and objections, if any, must be submitted no later than February 25, 2021.

Dated: January 29, 2021.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2021–02270 Filed 2–3–21; 8:45 am]

BILLING CODE 1410–72–P

OFFICE OF MANAGEMENT AND BUDGET

Revisions of Rescissions Proposals Pursuant to the Congressional Budget and Impoundment Control Act of 1974

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of revisions to rescissions proposed pursuant to the Congressional Budget and Impoundment Control Act of 1974.

SUMMARY: Pursuant to section 1014(d) of the Congressional Budget and Impoundment Control Act of 1974, OMB is issuing a supplementary special message from the President in regard to the rescissions proposals that were previously transmitted to the Congress on January 14, 2021 under section 1012(a) of that Act. The supplementary special message was transmitted to the Congress on January 31, 2021. The supplementary special message reports the withdrawal of all 73 proposals.

DATES: The Congress was notified on January 31, 2021.

ADDRESSES: This supplementary special message is available on-line on the OMB website at: <https://www.whitehouse.gov/>

¹ The Participating Parties are American Society of Composers, Authors and Publishers, Broadcast Music, Inc., Canadian Claimants Group (by Canadian Broadcasting Corporation), Devotional Claimants (Crystal Cathedral Ministries, *et al.*), Global Music Rights, LLC, Joint Sports Claimants, Motion Picture Association, Commercial Television Claimants (through the National Association of Broadcasters), NPR Claimants (through National Public Radio, Inc.), NCTA—The Internet & Television Association, Public Television Claimants (through Public Broadcasting Service), and SESAC Performing Rights, LLC.

² The Judges assume that the Participating Parties' reference to 37 CFR 256.2(c) & (d), which was a Copyright Office regulation relating to the Judges' predecessor, is intended to refer to paragraphs (c)–(d) of 37 CFR 387, which the Judges adopted at the conclusion of the last cable rate proceeding. See 81 FR 62812 (Sept. 13, 2016) and 81 FR 24523–24 (Apr. 26, 2016).

³ The Judges also received a petition to participate from Circle God Network Inc. (through David Powell), which the Judges concluded failed to state why it believed it had a significant interest in the proceeding. The Judges subsequently rejected Mr. Powell's petition to participate, Order Rejecting David Powell's Petition to Participate and Permitting Filing of an Amended Petition (Oct. 20, 2020), and later dismissed Mr. Powell from the proceeding, Order Dismissing David Powell (Nov. 5, 2020).

omb/supplementals-amendments-and-releases/.

Robert Fairweather,
Acting Director.

Dear Madam President: (Dear Madam Speaker:)

In accordance with section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c)), I am withdrawing 73 proposed rescissions previously transmitted to the Congress.

The withdrawals are for the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, the Interior, Justice, Labor, State, and the Treasury, as well as the African Development Foundation, the Commission of Fine Arts, the Corporation for National and Community Service, the District of Columbia, the Environmental Protection Agency, the Inter-American Foundation, the Millennium Challenge Corporation, the National Endowments for the Arts and Humanities, the National Gallery of Art, the Peace Corps, the Presidio Trust, the United States Agency for International Development, the United States Army Corps of Engineers, the Woodrow Wilson International Center for Scholars, and the Legislative Branch.

The details of the rescission withdrawals are contained in the attached report.

Sincerely,
Joseph R. Biden Jr.

Rescission proposals nos. R21–1 through R21–73

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposals R21–1 through R21–73, which were transmitted to the Congress on January 14, 2021.

This report withdraws all of the rescission proposals transmitted on January 14, 2021.

[FR Doc. 2021–02320 Filed 2–3–21; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE

[Docket No.: 1–2021–03]

National Security Commission on Artificial Intelligence; Notice of Extension of Federal Advisory Committee Meeting

AGENCY: National Security Commission on Artificial Intelligence.

ACTION: Notice of extension of Federal Advisory Committee meeting.

SUMMARY: The National Security Commission on Artificial Intelligence (the “Commission”) is publishing this

notice to announce the administrative extension of an asynchronous Federal Advisory Committee meeting and paper review process. The meeting will be closed to the public.

DATES: Closed to the public, the asynchronous meeting date is extended from February 14, 2021 to February 28, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Angela Ponmakha, 703–614–6379 (Voice), *nscai-dfo@nscai.gov*. Mailing address: Designated Federal Officer, National Security Commission on Artificial Intelligence, 2530 Crystal Drive, Box 45, Arlington, VA 22202. Website: <https://www.nsc.ai.gov>.

SUPPLEMENTARY INFORMATION: As referred to in the Commission’s original **Federal Register** notice (85 FR 76613), the meeting and paper review process are being held to consider the Commission’s draft classified annex. Due to circumstances beyond the control of the Commission—including travel and social distancing restrictions on in-person meetings imposed by the COVID–19 pandemic—the Commission will be unable to complete the review process of the classified annex. As such, the Commission is administratively extending the asynchronous meeting period previously scheduled to end on or about February 14, 2021 by two weeks, to February 28, 2021. As described in the original notice, individual commissioners or small groups of commissioners may meet with Commission staff during this period of time to review, discuss, and deliberate specifically on the Commission’s draft classified annex. All materials and discussions are expected to be classified.

Meeting Accessibility: In accordance with Section 10(d) of the FACA, NSCAI has determined the series of meetings and paper approval process will be closed to the public. Specifically, the Commission’s Committee Management Officer, in consultation with the General Services Administration’s Secretariat and Office of General Counsel, has determined in writing that the meetings will be closed to the public because they will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout the course of each meeting and the paper approval process will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot be reasonably segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To

permit the meetings to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the Commission’s findings and recommendations to the Congress and the President.

Written Statements: Written comments may be submitted to the Commission at any time regarding its mission or in response to the stated agenda of planned meetings via email to: *nscai-dfo@nscai.gov* in either Adobe Acrobat or Microsoft Word format. The DFO will compile all written submissions and provide them to the Commissioners for consideration. Please note that all submitted comments will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Commission’s website.

Dated: January 29, 2021.

Michael Gable,
Chief of Staff.

[FR Doc. 2021–02261 Filed 2–3–21; 8:45 am]

BILLING CODE 3610–Y8–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board’s Committee on Strategy, pursuant to NSF regulations, the National Science Foundation Act, and the Government in the Sunshine Act, hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Monday, February 8, 2021, from 10:00–11:00 a.m. EST.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair’s opening remarks, discussion of the next NSF strategic plan.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Kathy Jacquart, *kjacquar@nsf.gov*, 703/292–7000. To listen to this teleconference, members of the public must send an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates may be found at <https://www.nsf.gov/nsb/meetings/index.jsp>. Please refer to the National Science Board website at

www.nsf.gov/nsb for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021-02374 Filed 2-2-21; 11:15 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Committee on Oversight hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business as follows:

TIME AND DATE: Wednesday, February 10, 2021, from 1:00–2:00 p.m. EST.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair's opening remarks; presentation regarding merit review analysis; review of two proposed NSB policies; and discussion of data on careers of NSF-funded graduate students.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Ann Bushmiller, abushmil@nsf.gov, 703/292-7000. To listen to this teleconference, members of the public must send an email to nationalsciencebrd@nsf.gov at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates may be found at <https://www.nsf.gov/nsb/meetings/index.jsp>. Please refer to the National Science Board website at www.nsf.gov/nsb for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021-02466 Filed 2-2-21; 4:15 pm]

BILLING CODE 7555-01-P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, February 11, 2021

PLACE: Via Conference Call

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit Committee meeting.

The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552 (b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Executive Session

Agenda

- I. Call to Order
- II. Executive Session: Chief Audit Executive
- III. Action Item Presentation of the FY2021 Risk Assessment & Internal Audit Plan
- IV. Action Item Internal Audit Reports with Management's Response
- V. Internal Audit Status Reports
- VI. Adjournment

PORTIONS OPEN TO THE PUBLIC: Everything except the Executive Session.

PORTIONS CLOSED TO THE PUBLIC: Executive Session.

CONTACT PERSON FOR MORE INFORMATION: Lakeyia Thompson, Special Assistant, (202) 524-9940; Lthompson@nw.org.

Lakeyia Thompson,
Special Assistant.

[FR Doc. 2021-02425 Filed 2-2-21; 4:15 pm]

BILLING CODE 7570-02-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-155, 50-255, 72-007, and 72-043; NRC-2021-0036]

Palisades Nuclear Plant and Big Rock Point Plant Consideration of Approval of Transfer of Control of Licenses and Conforming Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct and indirect transfers of licenses; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Entergy Nuclear Operations, Inc. (ENOI), on behalf of itself, Entergy Nuclear Palisades, LLC (ENP), Holtec International (Holtec), and Holtec Decommissioning International, LLC (HDI) (collectively, the applicants), on December 23, 2020. The application seeks NRC approval of the transfer of control of Provisional Operating License No. DPR-6 and Renewed Facility Operating License No. DPR-20 for Big

Rock Point Plant (Big Rock Point) and Palisades Nuclear Plant (Palisades), respectively, as well as the general license for the Big Rock Point Independent Spent Fuel Storage Installation (ISFSI) and the Palisades ISFSI (collectively, the licenses). Specifically, the application requests that the NRC consent to (1) the transfer of control of the licenses to Holtec and (2) the transfer of ENOI's operating authority to HDI. The NRC is also considering amending the licenses for administrative purposes to reflect the proposed transfer. The application contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by March 8, 2021. A request for a hearing must be filed by February 24, 2021. Any potential party as defined in § 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 follow the instructions in Section VI of the **SUPPLEMENTARY INFORMATION** section of this notice.

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-2021-0036. 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.

CONTACT section of this document.

- *Email comments to:* Hearing.Docket@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

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: Scott P. Wall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory

Commission, Washington, DC 20555–0001; telephone: 301–415–2855; email: Scott.Wall@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0036 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–2021–0036.

- *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. (EST), 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–2021–0036 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. Introduction

The NRC is considering the issuance of an order under 10 CFR 50.80 and 72.50 approving the direct and indirect transfers of control of Provisional Operating License No. DPR–6 and Renewed Facility Operating License No. DPR–20 for Big Rock Point and Palisades, respectively, as well as the general licenses for the Palisades and Big Rock Point ISFSIs (collectively, the licenses). Specifically, the application, dated December 23, 2020 (ADAMS Accession No. ML20358A075), requests that the NRC consent to (1) the transfer of control of the licenses to Holtec, and (2) the transfer of ENOI's operating authority (*i.e.*, its authority to conduct licensed activities under the licenses) to HDI. In addition, HDI submitted a “Post Shutdown Decommissioning Activities Report [PSDAR] including Site-Specific Decommissioning Cost Estimate for Palisades Nuclear Plant,” dated December 23, 2020 (ADAMS Accession No. ML20358A232), which the NRC is considering as a supplement to the license transfer application. The NRC is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

Following approval of the proposed direct and indirect transfers of control of the licenses, Holtec Palisades, LLC, would be the licensed owners for the licenses and HDI would be the licensed operator for the licenses. HDI will contract with Comprehensive Decommissioning International, LLC to decommission Palisades.

No physical changes to the Palisades ISFSI and the Big Rock Point ISFSI or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before issuance of the proposed conforming license amendment, the Commission will have made findings

required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility or to the license of an ISFSI, which does no more than conform the license to reflect the transfer action, involves no significant hazards consideration and no genuine issue as to whether the health and safety of the public will be significantly affected. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the 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/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. 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 20 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.

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 20 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.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). 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. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at [https://www.nrc.gov/site-](https://www.nrc.gov/site-help/e-submittals.html)

[help/e-submittals.html](https://www.nrc.gov/site-help/e-submittals.html). Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the following procedures.

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 hearing in this 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>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF 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 time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice 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 so that they can 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 a 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 by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket that is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, 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. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. 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 are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated December 23, 2020, and the HDI PSDAR and Site-Specific Decommissioning Cost Estimate dated December 23, 2020.

VI. Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Any person who desires access to proprietary, confidential commercial information that has been redacted from the application should contact the applicant by telephoning Susan H. Raimo, Entergy Services, LLC, at 202-530-7330 for the purpose of negotiating a confidentiality agreement or a proposed protective order with the applicant. If no agreement can be reached, persons who desire access to this information may file a motion with the Secretary and addressed to the Commission that requests the issuance of a protective order.

Dated: February 1, 2021.

For the Nuclear Regulatory Commission.

Scott P. Wall,

Senior Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021-02357 Filed 2-3-21; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF SPECIAL COUNSEL

OSC Annual Survey

AGENCY: U.S. Office of Special Counsel.

ACTION: Notice of modification of information collection.

SUMMARY: The U.S. Office of Special Counsel (OSC), seeks approval from the Office of Management and Budget (OMB) for use of a modified survey that

differs only slightly from the most recently approved information collection, OSC's 2020 Annual Survey. By statute, OSC must conduct an annual survey to collect feedback from those who have contacted OSC for assistance, either by filing complaints and/or disclosures with OSC, or by seeking Hatch Act Advisory Opinions. This OSC annual survey consists of four electronic questionnaires (one for each type of assistance an individual can seek from OSC), each asking between five and ten questions. OSC invites comments on: (a) The accuracy of OSC's estimate of the burden of the proposed collections of information; (b) ways to enhance the quality, utility, and clarity of the information to be collected; and (c) ways to minimize the burden of the collection of information on respondents.

DATES: Written comments should be received on or before March 8, 2021.

ADDRESSES: You may submit written comments by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for OSC, New Executive Office Building, Room 10235, Washington, DC 20503; or by email via: oir_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Amy Beckett, Senior Litigation Counsel, by telephone at (202) 804-7000, or by email at frliaison@osc.gov.

SUPPLEMENTARY INFORMATION: OSC is a permanent independent federal investigative and prosecutorial agency. OSC's basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. OSC is required to conduct an annual survey of individuals who seek its assistance. OSC conducts an annual survey pursuant to Section 13 of Public Law 103-424 (1994), codified at 5 U.S.C. 1212 note, which states, in part: "[T]he survey shall—(1) determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel." The statute

requires OSC to publish the survey's results in OSC's annual report to Congress. Copies of prior years' annual reports are available on OSC's website, at <https://osc.gov/Pages/Resources-ReportsAndInfo.aspx> or by calling OSC at (202) 804-7000. The 2020 OSC Annual Survey, OMB Control Number 3255-0003, expires on March 30, 2021.

OSC will use the questionnaires to survey all persons who contacted OSC for assistance during the relevant time period.

The survey questionnaires are available for review online at <https://osc.gov/Resources/Pages/Reports.aspx#tabGroup07> or by calling OSC at (202) 804-7000.

Type of Information Collection Request: The survey seeks to determine whether individuals seeking assistance were fully apprised of their rights; were successful either at OSC or the MSPB; and whether successful or not, were satisfied with the treatment they received from OSC.

Affected public: Individuals (or their representatives) who sought OSC services through: (1) Submitting complaints alleging prohibited personnel practices, USERRA violations, or Hatch Act violations; (2) disclosures of information alleging violation of law, rule, or regulation, gross mismanagement or waste of funds, abuse of authority, substantial and

specific danger to public health and/or safety, or censorship related to scientific research; or (3) seeking Hatch Act advisory opinions.

Respondent's Obligation: Voluntary.
Estimated Annual Number of Survey Form Respondents: 500.

Frequency of Survey form use: One-time.

Estimated Average Amount of Time for a Person to Respond to survey: 5.3 minutes.

Estimated Annual Survey Burden: 44 hours.

Dated: January 29, 2021.

Bruce Gipe,

Chief Operating Officer.

[FR Doc. 2021-02350 Filed 2-3-21; 8:45 am]

BILLING CODE 7405-01-P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from July 1, 2020 to July 31, 2020.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202-606-2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at www.gpo.gov/fdsys/. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A Authorities to report during July 2020.

Schedule B

No Schedule B Authorities to report during July 2020.

Schedule C

The following Schedule C appointing authorities were approved during July 2020.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Rural Housing Service	Special Assistant	DA200027	07/06/2020
DEPARTMENT OF COMMERCE ..	Farm Service Agency	State Executive Director—Georgia	DA200096	07/27/2020
	Office of the Deputy Assistant Secretary for United States Field.	Senior Advisor	DC200156	07/28/2020
	Immediate Office of the Secretary	Senior Advisor	DC200135	07/31/2020
	Office of the International Trade Administration.	Senior Advisor	DC200137	07/15/2020
DEPARTMENT OF DEFENSE	Minority Business Development Agency.	Senior Advisor	DC200155	07/20/2020
	Office of the General Counsel	Senior Counsel	DC200128	07/23/2020
	Office of the Secretary	Advance Officer	DD200202	07/02/2020
	Office of the Under Secretary of Defense (Personnel and Readiness).	Director of Communications for Personnel and Readiness.	DD200196	07/10/2020
DEPARTMENT OF THE ARMY	Office of the Under Secretary of Defense (Policy).	Special Assistant	DD200206	07/27/2020
	Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).	Special Assistant (Strategy and Acquisition Reform).	DW200042	07/15/2020
DEPARTMENT OF THE NAVY	Office of the Under Secretary of the Navy.	Special Assistant	DN200032	07/02/2020
DEPARTMENT OF EDUCATION ..	Office of Communications and Outreach.	Confidential Assistant	DB200065	07/02/2020
DEPARTMENT OF ENERGY	Office of the Assistant Secretary for Congressional and Intergovernmental Affairs.	Legislative Affairs Assistant	DE200139	07/06/2020
	Office of the General Counsel	Attorney-Advisor	DE200162	07/02/2020
	Office of Public Affairs	Writer-Editor (Senior Speechwriter)	DE200084	07/02/2020
		Press Assistant	DE200140	07/31/2020
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Associate Administrator for Policy.	Policy Advisor	EP200083	07/31/2020

Agency name	Organization name	Position title	Authorization No.	Effective date
GENERAL SERVICES ADMINISTRATION. DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Administrator for Chemical Safety and Pollution Prevention.	Public Liaison	EP200086	07/31/2020
	National Capital Region	Confidential Assistant	GS200041	07/27/2020
	Office of Intergovernmental and External Affairs.	Senior Advisor, Center for Faith-Based and Neighborhood Partnerships.	DH200136	07/19/2020
	Office of the Assistant Secretary for Health.	Deputy Chief of Staff	DH200142	07/02/2020
	Office of the Assistant Secretary for Preparedness and Response.	Confidential Assistant	DH200151	07/27/2020
DEPARTMENT OF HOMELAND SECURITY.	Office of the Deputy Secretary	Special Assistant	DH200150	07/31/2020
	Office of the Secretary	Deputy Chief of Staff	DH200091	07/19/2020
	Federal Emergency Management Agency.	Advance Representative	DH200134	07/02/2020
		Special Assistant	DH200129	07/06/2020
	Director of Congressional and Intergovernmental Affairs.	Director of Congressional and Intergovernmental Affairs.	DM200319	07/27/2020
	Office of Countering Weapons of Mass Destruction.	Special Assistant	DM200307	07/22/2020
	Office of the Assistant Secretary for Policy.	Senior Advisor	DM200334	07/28/2020
	Office of the Assistant Secretary for Public Affairs.	Digital Director	DM200323	07/28/2020
	United States Customs and Border Protection.	Deputy Chief of Staff, Policy	DM200313	07/22/2020
	United States Immigration and Customs Enforcement.	Senior Advisor	DM200320	07/20/2020
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of the Chief Financial Officer	Special Assistant	DU200126	07/10/2020
		Senior Advisor	DU200117	07/16/2020
DEPARTMENT OF THE INTERIOR.	Office of the Secretary	Special Assistant	DU200116	07/16/2020
		Secretary's Immediate Office	Writer	DI200097	07/28/2020
DEPARTMENT OF JUSTICE	Office of Justice Programs	Senior Advisor	DJ200107	07/02/2020
	Office of the Deputy Attorney General.	Senior Advisor	DJ200119	07/02/2020
DEPARTMENT OF LABOR	Executive Office for United States Attorneys.	Secretary (Office Automation)	DJ200120	07/27/2020
	Employment and Training Administration.	Senior Policy Advisor	DL200096	07/02/2020
		Director of Special Projects	DL200109	07/08/2020
	Office of Congressional and Intergovernmental Affairs.	Deputy Chief of Staff	DL200125	07/30/2020
		Legislative Assistant	DL200154	07/09/2020
	Office of the Secretary	Regional Representative	DL200153	07/27/2020
		Deputy Chief of Staff	DL200106	07/06/2020
		Special Assistant for Scheduling ...	DL200148	07/20/2020
		Special Assistant	DL200156	07/20/2020
		Senior Advisor	DL200130	07/27/2020
Chief of Staff and Policy Advisor ...		DL200127	07/30/2020	
NATIONAL TRANSPORTATION SAFETY BOARD.	Senior Advisor	DL200159	07/31/2020	
	Office of Board Members	Special Assistant	TB200008	07/02/2020
OFFICE OF PERSONNEL MANAGEMENT.	Office of Communications	Public Affairs Specialist	PM200057	07/14/2020
SMALL BUSINESS ADMINISTRATION.	Office of Communications and Public Liaison.	Press Assistant	SB200031	07/07/2020
		Senior Advisor	SB200038	07/31/2020
	Office of Congressional and Legislative Affairs.	Legislative Assistant	SB200033	07/06/2020
DEPARTMENT OF STATE	Office of the General Counsel	Deputy General Counsel	SB200034	07/11/2020
	Office of the Counselor	Senior Advisor	DS200055	07/21/2020
	Office of the Secretary	Special Assistant (3)	DS200068	07/08/2020
			Special Assistant	DS200064	07/15/2020
		Senior Advisor	DS200075	07/27/2020
DEPARTMENT OF TRANSPORTATION.	Office of the Under Secretary for Civilian Security, Democracy, and Human Rights.	Senior Advisor	DS200086	07/27/2020
	Office of Small and Disadvantaged Business Utilization.	Special Assistant for Asian American Outreach.	DT200124	07/27/2020
DEPARTMENT OF THE TREASURY.	Secretary of the Treasury	Special Assistant (2)	DY200108	07/02/2020
			DY200111	07/11/2020
DEPARTMENT OF VETERANS AFFAIRS.	Office of the Assistant Secretary for Congressional and Legislative Affairs.	Special Assistant	DV200089	07/28/2020

The following Schedule C appointing authorities were revoked during July 2020.

Agency name	Organization name	Position title	Request No.	Date vacated	
COMMODITY FUTURES TRADING COMMISSION. DEPARTMENT OF COMMERCE ..	Office of the Chief Economist	Chief Economist	CT170011	07/03/2020	
	Patent and Trademark Office	Special Advisor for Communications.	DC190021	07/04/2020	
OFFICE OF THE SECRETARY OF DEFENSE.	Office of the Assistant Secretary of Defense (Strategy, Plans, and Capabilities).	Senior Advisor	DD170147	07/04/2020	
	Office of the Under Secretary of Defense (Policy).	Special Assistant	DD190198	07/07/2020	
	Office of the Under Secretary of Defense (Acquisition and Sustainment).	Special Assistant	DD190143	07/18/2020	
	Washington Headquarters Services.	Defense Fellow	DD180060	07/18/2020	
	Office of the Under Secretary of Defense (Comptroller).	Special Assistant	DD190183	07/31/2020	
	DEPARTMENT OF ENERGY	Office of the General Counsel	Attorney Advisor	DE190159	07/04/2020
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Public Affairs	Senior Oversight Advisor	DE190078	07/04/2020	
		Press Secretary	DE180131	07/04/2020	
		Writer-Editor (Speechwriter)	DE190034	07/04/2020	
		Director of Strategic Communications and Messaging.	DE170221	07/18/2020	
		Senior Advisor	DE190155	07/04/2020	
	Office of Science	Office of the Secretary	Special Assistant to the Deputy Chief of Staff for Operations and Strategy.	DH200040	07/03/2020
			Speechwriter	DH190232	07/04/2020
	DEPARTMENT OF JUSTICE	Office of the Assistant Secretary for Health.	Advisor	DH190255	07/04/2020
			Office of Legal Policy	Senior Counsel	DJ200033	07/11/2020
	DEPARTMENT OF LABOR	Office of Justice Programs	Counsel	DJ190090	07/18/2020
Office of the Secretary			Senior Advisor	DJ190201	07/31/2020
DEPARTMENT OF THE INTERIOR.	Secretary's Immediate Office	Special Assistant	DL200045	07/04/2020	
DEPARTMENT OF THE TREASURY.	Office of the Assistant Secretary for Terrorist Financing.	Deputy Press Secretary	D1190045	07/31/2020	
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Assistant Secretary for Terrorist Financing.	Senior Counselor	DY190050	07/04/2020	
		Office of the Assistant Administrator for International and Tribal Affairs.	Director, American Indian Environmental Office.	EP190082	07/18/2020
OFFICE OF MANAGEMENT AND BUDGET.	Office of the Administrator	Special Advisor to the Deputy Chief of Staff for Operations.	EP200028	07/31/2020	
		Office of the Director	Special Assistant to the Director ...	BO190010	07/10/2020
SMALL BUSINESS ADMINISTRATION.	Office of Field Operations	Director of Rural Affairs	SB190031	07/31/2020	

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–02259 Filed 2–3–21; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from June 1, 2020 to June 30, 2020.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not

codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at www.gpo.gov/fdsys/. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A Authorities to report during June 2020.

Schedule B

No Schedule B Authorities to report during June 2020.

Schedule C

The following Schedule C appointing authorities were approved during June 2020.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Rural Housing Service	State Director—Mississippi	DA200085	06/09/2020
	Office of Communications	Deputy Director of Communications.	DA200087	06/17/2020
	Office of the Assistant Secretary for Congressional Relations.	Press Secretary	DA200082	06/23/2020
		Director of Intergovernmental Affairs.	DA200080	06/24/2020
	Office of the Secretary	Senior Policy Advisor	DA200097	06/26/2020
	Office of the Under Secretary for Research, Education, and Economics.	Legislative Correspondent	DA200095	06/26/2020
		Chief of Staff	DA200091	06/17/2020
DEPARTMENT OF COMMERCE ..	Office of the Under Secretary for Trade and Foreign Agricultural Affairs.	Chief of Staff	DA200066	06/26/2020
	Rural Development	Confidential Assistant	DA200074	06/10/2020
	Bureau of the Census	Senior Advisor	DC200146	06/24/2020
	National Telecommunications and Information Administration.	Senior Advisor	DC200127	06/04/2020
	Office of Federal Coordinator—Meteorology.	Confidential Assistant	DC200139	06/30/2020
DEPARTMENT OF DEFENSE	Office of Public Affairs	Deputy Director of Public Affairs ...	DC200131	06/30/2020
	Office of White House Liaison	Confidential Assistant	DC200140	06/18/2020
	Office of the Secretary of Defense	Speechwriter	DD200189	06/05/2020
DEPARTMENT OF THE AIR FORCE.	Office of the Assistant Secretary of the Air Force—Installations, Environment, and Energy.	Special Assistant	DF180033	06/26/2020
	DEPARTMENT OF EDUCATION ..	Office of Communications and Outreach.	Confidential Assistant	DB200060	06/02/2020
Office of Postsecondary Education		Confidential Assistant	DB200064	06/26/2020
Office of the General Counsel		Confidential Assistant (2)	DB200058	06/11/2020
DEPARTMENT OF ENERGY	National Nuclear Security Administration.	Confidential Assistant	DB200059	06/11/2020
		Senior Advisor	DE200082	06/16/2020
		Program Analyst	DE200091	06/16/2020
	Office of General Counsel	Senior Advisor	DE200099	06/30/2020
	Office of Management	Operations Assistant	DE200114	06/10/2020
		Senior Advisor	DE200155	06/11/2020
	Office of Strategic Planning and Policy.	Policy Coordinator	DE200127	06/26/2020
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Secretary of Energy Advisory Board.	Senior Advisor	DE200087	06/16/2020
	Office of the Administrator	Senior Advisor for Strategic Initiatives.	EP200073	06/18/2020
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	Office of the Chair	Policy Analyst	EE200004	06/18/2020
EXPORT-IMPORT BANK	Office of Communications	Vice President of Communications	EB200014	06/01/2020
GENERAL SERVICES ADMINISTRATION.	Office of the Administrator	Confidential Assistant	GS200037	06/30/2020
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Centers for Disease Control and Prevention.	Senior Advisor	DH200118	06/02/2020
		Senior Advisor for Communications.	DH200119	06/02/2020
	Office of Communications	Senior Speechwriter	DH200083	06/26/2020
	Office of Refugee Resettlement/Office of the Director.	Senior Advisor	DH200124	06/18/2020
	Office of the Assistant Secretary for Financial Resources.	Senior Advisor	DH200130	06/19/2020
	Office of the Assistant Secretary for Public Affairs.	Special Assistant	DH200122	06/11/2020
	Office of the Secretary	Deputy Scheduler	DH200121	06/09/2020
		Special Assistant	DH200137	06/26/2020
DEPARTMENT OF HOMELAND SECURITY.	Cybersecurity and Infrastructure Security Agency.	Special Assistant	DM200300	06/26/2020
	Office of Countering Weapons of Mass Destruction.	Senior Advisor	DM200292	06/16/2020
	Office of the Assistant Secretary for Policy.	Confidential Assistant	DM200281	06/16/2020
		Special Assistant	DM200289	06/16/2020

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of the Assistant Secretary for Public Affairs.	Special Assistant	DM200255	06/01/2020
	Office of the Chief Information Officer.	Speechwriter	DM200257	06/02/2020
	Office of the Chief of Staff	Special Assistant	DM200301	06/26/2020
	United States Customs and Border Protection.	Senior Advisor	DM200288	06/11/2020
		Policy Management and Program Analyst.	DM200286	06/11/2020
		Chief of Staff, Office of Policy and Planning.	DM200285	06/23/2020
		Deputy Press Secretary	DM200282	06/24/2020
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of the Administration	Senior Advisor	DU200079	06/15/2020
	Office of Public Affairs	Special Assistant	DU200106	06/22/2020
DEPARTMENT OF JUSTICE	Office of the Secretary	Special Assistant	DU200115	06/22/2020
	Community Oriented Policing Services.	Senior Advisor	DJ200122	06/02/2020
	Criminal Division	Chief of Staff and Counselor	DJ200118	06/15/2020
DEPARTMENT OF LABOR	Office of Employment and Training Administration.	Special Assistant	DL200135	06/22/2020
		Senior Policy Advisor	DL200137	06/30/2020
	Office of the Occupational Safety and Health Administration.	Special Assistant	DL200151	06/30/2020
	Office of Public Affairs	Senior Advisor for Policy and Media.	DL200103	06/19/2020
	Office of Public Liaison	Special Assistant	DL200119	06/04/2020
	Office of the Assistant Secretary for Policy.	Special Assistant	DL200152	06/30/2020
	Office of the Secretary	Advance Lead	DL200141	06/03/2020
		Director of Scheduling and Operations.	DL200128	06/04/2020
NATIONAL ENDOWMENT FOR THE HUMANITIES.	National Endowment for the Humanities.	Supervisory Public Affairs Specialist.	NH200003	06/09/2020
NATIONAL TRANSPORTATION SAFETY BOARD.	Office of the Board Members	Confidential Assistant	TB200007	06/11/2020
OFFICE OF NATIONAL DRUG CONTROL POLICY.	Office of the Director	Confidential Assistant	QQ200007	06/11/2020
OFFICE OF PERSONNEL MANAGEMENT.	Office of Congressional, Legislative, and Intergovernmental Affairs.	Senior Congressional Relations Officer.	PM200052	06/15/2020
	Employee Services	Legislative Analyst (2)	PM200053	06/15/2020
		Senior Advisor (3)	PM200063	06/29/2020
			PM200061	06/11/2020
			PM200062	06/29/2020
			PM200064	06/29/2020
SMALL BUSINESS ADMINISTRATION.	Office of the General Counsel	Senior Counsel	SB200029	06/08/2020
DEPARTMENT OF STATE	Office of Capital Access	Senior Advisor	SB200026	06/11/2020
	Bureau of East Asian and Pacific Affairs.	Deputy Assistant Secretary	DS200067	06/18/2020
	Bureau of Educational and Cultural Affairs.	Special Assistant	DS200059	06/18/2020
	Bureau of Overseas Buildings Operations.	Senior Advisor	DS200080	06/23/2020
	Office of the Chief of Protocol	Protocol Officer (Visits)	DS200066	06/10/2020
	Office of the Counselor	Staff Assistant	DS200070	06/10/2020
	Office of the Secretary	Special Assistant	DS200077	06/18/2020
DEPARTMENT OF TRANSPORTATION.	Office of Public Affairs	Senior Deputy Press Secretary	DT200114	06/05/2020
	Office of the Executive Secretariat	Special Assistant	DT200117	06/10/2020

The following Schedule C appointing authorities were revoked during June 2020.

Agency name	Organization name	Position title	Request No.	Date vacated
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of the General Counsel	Senior Counsel	DU190035	06/06/2020
DEPARTMENT OF STATE	Bureau of Public Affairs	Senior Advisor	DS190017	06/06/2020
NATIONAL ENDOWMENT FOR THE HUMANITIES.	National Endowment for the Humanities.	Supervisory Public Affairs Specialist.	NH180005	06/06/2020
OFFICE OF PERSONNEL MANAGEMENT.	Office of the Director	Clerk	PM200010	06/20/2020

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.
 Office of Personnel Management.
Alexys Stanley,
Regulatory Affairs Analyst.
 [FR Doc. 2021–02258 Filed 2–3–21; 8:45 am]
BILLING CODE 6325–39–P

**OFFICE OF PERSONNEL
 MANAGEMENT**

Excepted Service

AGENCY: Office of Personnel Management (OPM).
ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency

that were established or revoked from November 1, 2020 to November 30, 2020.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific

authorities established or revoked each month in the **Federal Register** at www.gpo.gov/fdsys/. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A Authorities to report during November 2020.

Schedule B

No Schedule B Authorities to report during November 2020.

Schedule C

The following Schedule C appointing authorities were approved during November 2020.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF COMMERCE ..	Office of Legislative and Intergovernmental Affairs.	Confidential Assistant	DC210013	11/20/2020
DEPARTMENT OF DEFENSE	Office of the Under Secretary of Defense (Policy).	Special Assistant	DD210019	11/20/2020
	Office of the Assistant Secretary of Defense (Legislative Affairs).	Special Assistant	DD200268	11/24/2020
DEPARTMENT OF EDUCATION ..	Office of Communications and Outreach.	Special Assistant	DB210006	11/15/2020
DEPARTMENT OF ENERGY	Office of the Assistant Secretary for Congressional and Intergovernmental Affairs.	Legislative Affairs Advisor (2)	DE200137	11/20/2020
	Office of the Assistant Secretary for Nuclear Energy.	Special Advisor	DE200147	11/20/2020
	Office of Economic Impact and Diversity.	Special Advisor	DE200148	11/20/2020
	Office of Public Affairs	Senior Advisor for Small Business	DE200134	11/20/2020
	Office of Technology Transition	Copy Editor	DE210016	11/25/2020
GENERAL SERVICES ADMINISTRATION.	Office of the Administrator	Senior Advisor	DE200152	11/20/2020
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Secretary	Executive Assistant	DE200136	11/20/2020
	Office of the Commissioner	White House Liaison for Political Personnel, Boards and Commissions.	GS210002	11/20/2020
DEPARTMENT OF HOMELAND SECURITY.	United States Immigration and Customs Enforcement.	Advisor	DH210015	11/20/2020
	Federal Emergency Management Agency.	Senior Advisor	DH210014	11/23/2020
DEPARTMENT OF STATE	Bureau of Counterterrorism	Senior Advisor	DM200397	11/03/2020
		Special Advisor	DM210042	11/20/2020
			DS210015	11/09/2020

The were no Schedule C appointing authorities revoked during November 2020.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.
 Office of Personnel Management.
Alexys Stanley,
Regulatory Affairs Analyst.
 [FR Doc. 2021–02254 Filed 2–3–21; 8:45 am]
BILLING CODE 6325–39–P

**OFFICE OF PERSONNEL
 MANAGEMENT**

Excepted Service

AGENCY: Office of Personnel Management (OPM).
ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from August 1, 2020 to August 31, 2020.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and

Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at www.gpo.gov/fdsys/. OPM also

publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A Authorities to report during August 2020.

Schedule B

No Schedule B Authorities to report during August 2020.

Schedule C

The following Schedule C appointing authorities were approved during August 2020.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Agricultural Marketing Service	Chief of Staff	DA200081	08/22/2020
DEPARTMENT OF COMMERCE ..	Bureau of Industry and Security	Special Advisor	DC200104	08/12/2020
COMMISSION ON CIVIL RIGHTS	Office of Staff Members	Special Assistant	CC200001	08/07/2020
	Office of Commissioners	Special Assistant	CC200002	08/07/2020
DEPARTMENT OF DEFENSE	Office of the Assistant Secretary of Defense (Legislative Affairs).	Special Assistant	DD200222	08/31/2020
	Office of the Under Secretary of Defense (Acquisition and Sustainment).	Special Assistant (2)	DD200218	08/06/2020
			DD200231	08/25/2020
	Office of the Under Secretary of Defense (Policy).	Special Assistant	DD200245	08/25/2020
	Washington Headquarters Services.	Defense Fellow (2)	DD200229	08/14/2020
			DD200228	08/20/2020
DEPARTMENT OF THE ARMY	Office Assistant Secretary Army (Civil Works).	Special Assistant(Civil Works)	DW200035	08/06/2020
DEPARTMENT OF EDUCATION ..	Office of the General Counsel	Deputy General Counsel	DB200069	08/14/2020
	Office of Planning, Evaluation and Policy Development.	Deputy Director, Office of Educational Technology.	DB200068	08/17/2020
DEPARTMENT OF ENERGY	Office of the Assistant Secretary for Congressional and Intergovernmental Affairs.	Deputy Assistant Secretary for Senate Affairs.	DE200112	08/06/2020
		Associate Deputy Assistant Secretary for Intergovernmental and External Affairs.	DE200146	08/22/2020
	Office of the Assistant Secretary for Energy Efficiency and Renewable Energy.	Program Manager	DE200179	08/07/2020
	Office of the Assistant Secretary for International Affairs.	Special Advisor	DE200150	08/07/2020
	Office of Cybersecurity, Energy Security and Emergency Response.	Senior Advisor	DE200183	08/22/2020
	Office of Management	Advance Lead	DE200133	08/06/2020
	Office of the Secretary	Special Advisor	DE200108	08/07/2020
ENVIRONMENTAL PROTECTION AGENCY.	Office of Public Affairs	Press Assistant	EP200089	08/22/2020
	Office of the Assistant Administrator for Air and Radiation.	Senior Advisor	EP200099	08/06/2020
	Office of the Assistant Administrator for Mission Support.	Deputy Assistant Administrator for the Office of Mission Support.	EP200085	08/06/2020
	Office of the Associate Administrator for Congressional and Intergovernmental Relations.	Congressional Relations Specialist	EP200080	08/22/2020
	Region VI—Dallas, Texas	Special Assistant	EP200094	08/22/2020
FEDERAL HOUSING FINANCE AGENCY.	Office of the Director	Special Advisor	HA200004	08/13/2020
GENERAL SERVICES ADMINISTRATION.	Office of Congressional and Intergovernmental Affairs.	Congressional Policy Analyst	GS200040	08/07/2020
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Deputy Secretary	Special Assistant	DH200127	08/07/2020
	Office of Intergovernmental and External Affairs.	External Affairs Specialist	DH200164	08/22/2020
	Centers for Disease Control and Prevention.	Special Assistant	DH200173	08/31/2020
DEPARTMENT OF HOMELAND SECURITY.	Office of United States Citizenship and Immigration Services.	Deputy Chief of Staff	DM200328	08/23/2020
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Housing	Special Advisor	DU200147	08/22/2020
	Office of the Secretary	Special Assistant	DU200149	08/25/2020
DEPARTMENT OF JUSTICE	Office of Civil Rights Division	Senior Counsel	DJ200135	08/07/2020
	Office of Justice Programs	Special Assistant	DJ200150	08/26/2020
DEPARTMENT OF LABOR	Office of Congressional and Intergovernmental Affairs.	Legislative Officer	DL200150	08/01/2020
	Office of Employee Benefits Security Administration.	Economist	DL200165	08/13/2020

Agency name	Organization name	Position title	Authorization No.	Effective date	
NATIONAL ENDOWMENT FOR THE HUMANITIES. OFFICE OF MANAGEMENT AND BUDGET. DEPARTMENT OF STATE	Bureau of International Labor Affairs.	Senior Counselor	DL200168	08/17/2020	
	National Endowment for the Humanities.	Congressional Affairs Specialist	NH200005	08/13/2020	
	Office of the General Counsel	Strategic Advisor	NH200004	08/17/2020	
		Confidential Assistant	BO200045	08/28/2020	
		Bureau of Economic and Business Affairs.	General Counsel	DS200085	08/01/2020
	DEPARTMENT OF THE TREASURY.	Office of the Assistant Secretary (Public Affairs). Secretary of the Treasury	Director, Public Affairs	DY200126	08/03/2020
		Special Advisor	DY200124	08/26/2020	

The following Schedule C appointing authorities were revoked during August 2020.

Agency name	Organization name	Position title	Request No.	Date vacated
DEPARTMENT OF JUSTICE	Office of Legislative Affairs	Confidential Assistant	DJ180153	08/15/2020

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–02260 Filed 2–3–21; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from October 1, 2020 to October 31, 2020.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and

Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at www.gpo.gov/fdsys/. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

32. *Small Business Administration (Sch A, 213.3132)*

(a) When the President under 42 U.S.C. 5170–5189, the Secretary of

Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by time-limited appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 7 years. Exception to this time limit may only be made with prior U.S. Office of Personnel Management approval. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

Schedule B

No Schedule B Authorities to report during October 2020.

Schedule C

The following Schedule C appointing authorities were approved during October 2020.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Office of the Secretary	Deputy White House Liaison	DA200154	10/20/2020
DEPARTMENT OF COMMERCE ..	Minority Business Development Agency.	Advisor	DC200151	10/29/2020
	Office of Public Affairs	Deputy Speech Writer	DC210001	10/05/2020
	Office of the Chief of Staff	Director, Center for Faith and Opportunity Initiatives.	DC200129	10/13/2020
DEPARTMENT OF DEFENSE	Office of the Secretary of Defense	Deputy White House Liaison	DD210003	10/13/2020
DEPARTMENT OF THE ARMY	Office Deputy Under Secretary of Army.	Special Assistant	DW200046	10/13/2020
DEPARTMENT OF EDUCATION ..	Office of the General Counsel	Confidential Assistant	DB210001	10/09/2020
DEPARTMENT OF ENERGY	Office of the Assistant Secretary for Energy Efficiency and Renewable Energy.	Deputy Chief of Staff	DE200204	10/05/2020
	Office of Management	Senior Advisor	DE200195	10/02/2020
	Office of the Secretary	Deputy White House Liaison	DE210002	10/05/2020

Agency name	Organization name	Position title	Authorization No.	Effective date
ENVIRONMENTAL PROTECTION AGENCY.	Office of Public Affairs	Deputy Associate Administrator for Policy.	EP200109	10/17/2020
	Office of the Administrator	Senior Advisor	EP200102	10/02/2020
	Office of the Assistant Administrator for Mission Support.	White House Liaison	EP210001	10/02/2020
		Senior Advisor	EP200119	10/09/2020
	Office of the Associate Administrator for Congressional and Intergovernmental Relations.	Assistant Deputy Associate Administrator for Senate Affairs.	EP200090	10/02/2020
Office of the General Counsel	Special Advisor for the Office of General Counsel.	EP200116	10/02/2020	
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Global Affairs	Chief of Staff	DH200186	10/16/2020
	Office of Refugee Resettlement/Office of the Director.	Special Assistant	DH210003	10/17/2020
		Confidential Assistant	DH210004	10/17/2020
	Office of the Assistant Secretary for Health.	Policy Advisor	DH200184	10/09/2020
	Office of the Assistant Secretary for Legislation.	Policy Advisor	DH200185	10/17/2020
DEPARTMENT OF HOMELAND SECURITY.	Office of Management Directorate	Communications Specialist	DM210009	10/13/2020
	Office of Strategy, Policy, and Plans.	Special Assistant	DM210014	10/19/2020
	Office of the General Counsel	Oversight Counsel	DM190073	10/17/2020
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	United States Immigration and Customs Enforcement.	Press Assistant	DM210004	10/13/2020
	Office of Congressional and Intergovernmental Relations.	Congressional Relations Specialist	DU200133	10/29/2020
DEPARTMENT OF THE INTERIOR.	Office of Public Affairs	Special Assistant	DU210009	10/29/2020
	Office of the Assistant Secretary—Policy, Management and Budget.	Senior Advisor	DI200099	10/26/2020
DEPARTMENT OF JUSTICE	Office of Congressional and Legislative Affairs.	Senior Advisor	DI200102	10/26/2020
	Secretary's Immediate Office	White House Liaison	DI200122	10/05/2020
	Office of Justice Programs	Advisor for Research and Statistics	DJ200157	10/09/2020
	Office of the Attorney General	Advisor	DJ200171	10/20/2020
DEPARTMENT OF LABOR	Office of Congressional and Intergovernmental Affairs.	Deputy White House Liaison and Advisor.	DJ210002	10/20/2020
		Senior Legislative Officer	DL200160	10/09/2020
	Office of Wage and Hour Division	Policy Advisor	DL200190	10/17/2020
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	Office of Communications	Communication Specialist	NN200040	10/01/2020
	Office of the Director	Special Assistant	BO200036	10/09/2020
OFFICE OF MANAGEMENT AND BUDGET.	Office of Health Division	Special Assistant	BO200046	10/09/2020
	Natural Resource Programs	Confidential Assistant	BO210002	10/29/2020
SMALL BUSINESS ADMINISTRATION.	Office of Investment and Innovation.	Senior Advisor	SB210001	10/09/2020
	Office of Field Operations	Senior Advisor	SB210002	10/17/2020
DEPARTMENT OF TRANSPORTATION.	Office of Public Affairs	Press Secretary and Senior Public Affairs Advisor.	DT200133	10/07/2020
	Office of the Assistant Secretary for Research and Technology.	Economic Advisor	DT200145	10/07/2020
		Secretary of the Treasury	Associate Director of Scheduling and Advance.	DY200123	10/09/2020
DEPARTMENT OF THE TREASURY.	Office of the Under Secretary for International Affairs.	Senior Advisor	DY200125	10/09/2020
	DEPARTMENT OF VETERANS AFFAIRS.	Office of Intergovernmental Affairs	Special Assistant	DV200105	10/01/2020
Office of the Assistant Secretary for Congressional and Legislative Affairs.		Special Assistant	DV200097	10/17/2020

There were no Schedule C appointing authorities revoked during October 2020.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–02253 Filed 2–3–21; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91016; File No. SR–IEX–2020–18]

Self-Regulatory Organizations; Investors Exchange, LLC; Order Granting Approval of Proposed Rule Change To Amend IEX Rule 11.510 To Reduce the Outbound Latency That Presently Applies to All Messages Sent From IEX Back to Users of the Exchange

January 29, 2021.

I. Introduction

On December 9, 2020, the Investors Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (“SEC” or “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 amend IEX Rule (“Rule”) 11.510 to reduce the outbound latency that presently applies to all messages sent from IEX to users of the Exchange, as well as to make conforming changes to the outbound latency that applies to all trading messages sent from the IEX order book to the system routing logic with respect to routable orders. The proposed rule change was published for comment in the **Federal Register** on December 17, 2020.³ The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposed to amend Rule 11.510 to eliminate the “coil” delay that is currently applied to outbound order execution messages and IEX proprietary market data sent to IEX users and the IEX system routing logic used by IEX’s affiliated routing broker-

dealer, IEX Services LLC (“IEXS”).⁴ Currently, users access IEX through the Exchange-provided network interface at the IEX Point-of-Presence, or “POP,” located in Secaucus, New Jersey.⁵ Electronic messages that users send inbound to the IEX system, and order execution messages and IEX proprietary market data sent outbound to users, traverse the IEX coil, which is a box containing approximately 38 miles of compactly coiled optical fiber cable, and travel an additional geographic and physical distance between the POP and the IEX system located at the Exchange’s primary data center in Weehawken, New Jersey.⁶ The time required for such communications to traverse the coil combined with the geographic and physical distance (and related networking) currently equates to an equivalent 350 microseconds of latency.⁷ IEXS is a member of the Exchange and its associated routing logic currently is subject to the same 350 microseconds of latency as other members when sending order messages to the IEX order book and when receiving order execution messages and IEX proprietary market data.⁸ As a result, IEXS has no speed or informational advantage compared to other Exchange members and data recipients.⁹

IEX’s proposed elimination of the coil delay on outbound order execution messages and proprietary market data will reduce the latency on outbound communications to 37 microseconds, which latency will be due to geographic

⁴ See proposed Rule 11.510; Notice, *supra* note 3, at 81982. The Exchange did not propose any changes to the coil delay that applies to inbound order messages, including order cancellations and modifications, from users at the POP to the IEX system and from the system routing logic to the order book. See proposed Rule 11.510; Notice, *supra* note 3, at 81984. The Exchange does not apply a coil delay to its communications with the Securities Information Processors (“SIP(s)”) or away trading centers, and those aspects of the Exchange likewise are not changing under the proposal. See Notice, *supra* note 3, at 81983.

⁵ See Notice, *supra* note 3, at 81983.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* If a user sends a routable order to the Exchange, after traversing the inbound latency (including the coil) from the POP to the IEX system, the order is directed to the system routing logic. *Id.* The current 350 microsecond latency on order messages between the IEX routing logic and order book is implicated when the routing logic has determined to route to the IEX order book all or part of the routable order submitted by the user, and is in addition to the 350 microsecond latency between the POP and the IEX system. *Id.* As a result, currently, users connected at the POP experience a cumulative, one-way latency of 700 microseconds on routable order messages to and from the IEX system. *Id.* at 81983–84; see also Rule 11.230(b), 11.510(c)(1), and proposed Supplementary Material (“Supp.”) .03 to Rule 11.510.

⁹ See Notice, *supra* note 3, at 81983.

and physical distance and network connectivity.¹⁰ The proposed elimination of the coil delay on outbound order execution messages and proprietary market data will affect IEXS in the same manner that it affects other Exchange users, thus ensuring that the Exchange’s affiliated routing broker-dealer is similarly situated and not competitively advantaged vis-à-vis any non-affiliated routing broker-dealer.¹¹

The Exchange also proposed to make several non-substantive clarifying changes to add further detail to Rule 11.510 to: (i) Define the term “POP”;¹² (ii) reference the 350 microsecond latency on inbound communications from the POP to the IEX system and from the system routing logic to the order book separately from the proposed 37 microsecond latency on outbound communications from the system to the

¹⁰ See proposed Rule 11.510(a); see also Notice, *supra* note 3, at 81984. Specifically, the Exchange proposed to amend Rule 11.510(a) to state that outbound communications from the IEX system to the POP will not traverse the physical distance provided by coiled optical fiber and instead will be subject to an equivalent 37 microseconds of latency due to traversing the geographic distribution and network connectivity between the system at the primary data center and the network access point of the POP. See proposed Rule 11.510(a). Relatedly, the Exchange proposed to amend Rule 11.510(b)(2) to state that, for outbound communications (including, without limitation, execution report messages found in the Exchange’s FIX Specification, quote and trade update messages found in the Exchange’s TOPS and DEEP specifications, and DROP messages), the Exchange’s connectivity infrastructure is designed to provide an equivalent 37 microseconds of latency from the system at the primary data center to the Exchange-provided network interface at the POP. See proposed Rule 11.510(b)(2).

¹¹ See Notice, *supra* note 3, at 81986. Specifically, the Exchange proposed to amend Rule 11.510(c)(1) to state that all outbound communications (including, without limitation, execution report messages found in the Exchange’s FIX specification) from the order book to the system routing logic are subject to 37 microseconds of latency, which is in addition to the 37 microsecond latency on outbound communications from the IEX system to the POP described in proposed Rule 11.510(b)(2). See proposed Rule 11.510(c)(1); see also proposed Supp. .03 (stating that all responses from the IEX order book to the system routing logic are subject to 37 microseconds of latency and all messages from the system routing logic to users are subject to an additional 37 microseconds of outbound latency). Users connected to IEX at the POP therefore would experience a cumulative delay of 74 microseconds on outbound messages from the IEX system regarding their routable orders. See proposed Rule 11.510(c)(1); see also proposed Supp. .03. Users would continue to experience a cumulative latency of 700 microseconds on inbound routable order messages. See proposed Rule 11.510(c)(1); proposed Supp. .03; Notice, *supra* note 3, at 81984. In addition, the Exchange proposed to amend Rule 11.510(c)(2)(A) to specify that the IEX routing logic may only receive Exchange data products subject to 37 microseconds of latency, equivalent to the outbound latency applicable to all other data product recipients that is described in proposed Rule 11.510(b)(2). See proposed Rule 11.510(c)(2)(A).

¹² See proposed Rule 11.510(a).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 90645 (December 11, 2020), 85 FR 81982 (December 17, 2020) (“Notice”).

POP and from the order book to the system routing logic;¹³ (iii) further describe, without alteration, how the Exchange handles incoming routable orders, and specify that the 350 microseconds of latency on inbound communications from the routing logic to the order book is in addition to the inbound latency on communications from the POP to the system;¹⁴ (iv) refine references to “POP” throughout the rule such that they refer to connectivity at the POP or the connectivity infrastructure between the system and the POP, as appropriate;¹⁵ (v) add explanatory cross references to provisions within the rule;¹⁶ and (vi) make non-substantive grammatical revisions.¹⁷

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁸ In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,¹⁹ which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers; and with Section 6(b)(8) of the Act,²⁰ which requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate.

IEX’s coil delay on outbound order execution messages and proprietary market data, which has been in place since IEX became a registered national securities exchange in 2016, was designed to help IEX members avoid potential information leakage in connection with an execution on IEX

that could reduce their ability to access liquidity on other markets after trading on IEX.²¹ Since 2016, however, various technological developments, including the widespread availability of improved smart order routing techniques that take into account transmission latency in coordinating simultaneous order arrival and execution times across multiple trading venues, have greatly reduced the potential for information leakage when sweeping the market, thus mitigating the utility of IEX’s outbound coil delay to IEX users.²² In addition, SIP latencies have decreased materially since 2016, effectively nullifying the purpose of the coil delay on IEX proprietary data since market participants currently can receive SIP data faster than IEX proprietary data.²³

Against this backdrop, the Exchange asserts that the considerations that existed in 2016 for imposing the coil delay on its outbound order execution messages and proprietary data have been superseded by developments in the market and are now outweighed by the benefits that would be provided by the proposal—in particular, enhancement of members’ ability to manage risk and market exposure through receipt of execution messages and IEX market data closer in time to when executions or quote changes occur.²⁴ The Exchange also states that the proposal would enable other exchanges to update their pegged orders faster, and enable other exchanges’ affiliated routing brokers to more quickly incorporate executions on IEX into their routing decisions.²⁵

Importantly, IEXS (the Exchange’s affiliated routing broker) and all other IEX members will remain on equal footing in that they will experience the same 37 microseconds of latency on their receipt of IEX order execution

messages and proprietary market data. As a result, IEXS will have no informational or time advantage—or resulting competitive advantage—over any other IEX member.²⁶ Also, due to the equivalent reduction in the latency attendant to both outbound execution messages and IEX proprietary market data, parties to an execution on IEX will not receive information regarding the execution prior to other market participants, and thus will have no informational or time advantage—or resulting competitive advantage—over members who receive IEX proprietary data but are not parties to the execution. For these reasons, the Commission believes that the proposal is not designed to permit unfair discrimination, consistent with Section 6(b)(5) of the Act, and would not impose any inappropriate or unnecessary burden on competition, consistent with Section 6(b)(8) of the Act.

In addition, permitting the Exchange to modernize its infrastructure in a way that will better enable its members to manage risk and market exposure without inhibiting their ability to capture liquidity when routing orders to multiple market venues is consistent with the Section 6(b)(5) goals of promoting just and equitable principles of trade, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and protecting investors and the public interest. These goals also will be furthered by the proposal to the extent that other exchanges are better able to manage their own resting orders and routing processes through faster receipt of order messages and proprietary data from IEX. This potential effect on other exchanges, coupled with the fact that no other exchange currently imposes an artificial delay on outbound order execution messages or proprietary market data,²⁷ also support the conclusion that the proposal will not impose any inappropriate or unnecessary burden on competition,

²¹ See Notice, *supra* note 3, at 81983–84. By contrast, the inbound coil delay, which is not affected by this proposal, is designed to enable IEX to more effectively manage and price orders resting on its book when the market moves. *Id.* at 81983.

²² *Id.* at 81983–86; see also Securities Exchange Act Release No. 89686 (August 26, 2020), 85 FR 54438, 54441 (September 1, 2020).

²³ See Notice, *supra* note 3, at 81984 and n.25 (noting that, at the time of IEX’s exchange launch in September 2016 the average latencies for quote messages was 470 microseconds for the CQ Plan and 762 microseconds for the UTP Plan, and for trade messages was 320 microseconds for the CTA Plan and 619.7 microseconds for the UTP Plan); see also www.utpplan.com (stating that current median latency is approximately 13.0–14.2 microseconds); www.ctaplan.com (stating that current median latency is under 17 microseconds for quotes and under 18 microseconds for trades); and compare current Rule 11.150(b)(2) (stating that the POP is currently designed to provide 350 microseconds of latency on IEX proprietary market data).

²⁴ See Notice, *supra* note 3, at 81984–86.

²⁵ *Id.* at 81986.

²⁶ IEX will sequence the necessary systems changes to implement this proposed rule change in two steps, the first occurring for IEX users and the second for IEXS, thus ensuring that IEX’s system routing logic is not preferred over other users during implementation. *Id.* at 81985. After step one and before step two, while all outbound communications from the order book to the routing logic would continue to be subject to an equivalent 350 microseconds of latency, outgoing messages (*i.e.*, responses) from the routing logic to users (with respect to routable orders sent to IEX) would be subject to the proposed reduced outbound latency of 37 microseconds. *Id.* at 81985 n.29. During this intervening period IEXS also would be able to receive IEX proprietary market data subject to the same 37 microseconds of latency as other members and data recipients. *Id.*

²⁷ *Id.* at 81986.

¹³ See proposed Rule 11.510(a) and 11.510(c)(1).

¹⁴ See proposed Rule 11.510(c)(1).

¹⁵ See proposed Rule 11.510.

¹⁶ See proposed Rule 11.510(b), 11.510(c)(3)(A), and Supp. .02.

¹⁷ See proposed Rule 11.510.

¹⁸ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁹ 15 U.S.C. 78f(b)(5).

²⁰ 15 U.S.C. 78f(b)(8).

consistent with Section 6(b)(8) of the Act.

Finally, the Commission believes that the Exchange's proposed clarifying changes to Rule 11.510 add helpful detail that will further enhance investors' understanding of how IEX operates in a manner consistent with the Act, thereby helping to protect investors and the public interest consistent with Section 6(b)(5) of the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁸ that the proposed rule change (SR-IEX-2020-18) be and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-02266 Filed 2-3-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91012; File No. SR-NYSE-2021-06]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Sections 902.02 and 902.11 of the NYSE Listed Company Manual To Defer the Billing of Initial Listing Fees Payable by Acquisition Companies

January 29, 2021.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("Act") ² and Rule 19b-4 thereunder, ³ notice is hereby given that, on January 21, 2021, the New York Stock Exchange LLC ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Sections 902.02 and 902.11 of the NYSE Listed Company Manual (the "Manual")

to defer the billing of initial listing fees payable by Acquisition Companies. The text of the. The proposed rule change is available on the Exchange's website at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 102.06 sets forth listing requirements applicable to any company with a business plan is to complete an initial public offering and engage in a merger or acquisition with one or more unidentified companies within a specific period ("Acquisition Company"). Section 902.11 provides that an Acquisition Company is subject to a flat initial listing fee of \$85,000 at the time of initial listing. Based on experience listing these companies, the Exchange proposes to defer the billing and payment of initial listing fees until one year from the date of an Acquisition Company's initial listing on the Exchange. For the avoidance of doubt, such fee is owed to the Exchange at the time of initial listing based on the fee schedule in effect on the date of listing but will be billed by the Exchange and become payable on the first anniversary of the date of listing. The Exchange notes that the Nasdaq Stock Market ("Nasdaq") is the Exchange's primary competitor in the market for the listing of Acquisition Companies and that Nasdaq has a deferral provision comparable to the deferral the Exchange proposes.⁴

Acquisition Companies are formed to raise capital in an initial public offering ("IPO") with the purpose of using the proceeds to acquire one or more unspecified businesses or assets to be

identified after the IPO. However, unlike other types of listed companies that have pre-existing operations or that fund their operations by proceeds raised from the IPO, following the IPO, an Acquisition Company funds a trust account with an amount typically equal to 100% of the gross proceeds of the IPO.⁵ As such, operating expenses are typically borne by the Acquisition Company's sponsor, particularly during the initial post-IPO period. The Acquisition Company's sponsor is the entity or management team that forms the Acquisition Company and, typically, runs the operations of the Acquisition Company until an appropriate target company is identified and the business combination is consummated. The funds in the trust account are typically invested in short-term U.S. government securities or held as cash, earning interest over time. Thus, the unique structure of an Acquisition Company results in the sponsor's extreme fee sensitivity, particularly during the initial post-IPO period before any substantial amount of interest is earned from the trust account. The Exchange believes that the market practice of depositing 100% of the gross proceeds of the IPO in a trust account (rather than the minimum of 90% required by Section 102.06) benefits shareholders and is consistent with investor protection because it assures that shareholders choosing to exercise their right to redeem shares for a pro rata share of the trust account will receive the full IPO price paid, rather than a lesser amount guaranteed by Exchange rules. Accordingly, to encourage this market practice the Exchange believes it is appropriate to defer the payment of the initial listing fee owed by an Acquisition Company listed on the Exchange until the first anniversary of the date of listing. The initial listing fee paid at that time would be based on the fee schedule in effect at the time of initial listing.

The Exchange believes that the proposed fee deferral would provide an incentive to sponsors to list Acquisition Companies on the Exchange. The Exchange also believes it is reasonable to balance its need to remain competitive with other listing venues, while at the same time ensuring

⁵ Section 102.06 of the Manual provides that an Acquisition Company could pay operating and other expenses, subject to a limitation that 90% of the gross proceeds of the company's offering must be retained in the trust account. However, the Exchange understands that marketplace demands typically dictate that 100% of the gross proceeds from the IPO be kept in the trust account and that only interest earned on that account be used to pay taxes and a limited amount of operating expenses.

²⁸ 15 U.S.C. 78s(b)(2).

²⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 89403 (July 31, 2020 [sic]), 85 FR 46198 (July 31, 2008 [sic]) (SR-NASDAQ-2020-038).

adequate revenue to meet is regulatory responsibilities. The Exchange notes that the fee deferral will not cause any reduction to the Exchange's revenue and no other company will be required to pay higher fees as a result of the proposed amendments and represents that the proposed fee deferral will have no impact on the resources available for its regulatory programs.

The Exchange proposes to amend Section 902.02 to make it clear that the statement in that section that initial listing fees are payable at the time of listing will not be applicable to Acquisition Companies.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(4)⁷ of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,⁸ in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As a preliminary matter, the Exchange competes for listings with other national securities exchanges and companies can easily choose to list on, or transfer to, those alternative venues. As a result, the fees the Exchange can charge listed companies are constrained by the fees charged by its competitors and the Exchange cannot charge prices in a manner that would be unreasonable, inequitable, or unfairly discriminatory.

The Exchange believes that the proposed rule change to defer the initial listing fees charged to Acquisition Companies as set forth in Section 902.11 for one year from the date of listing is reasonable and not unfairly discriminatory because it recognizes the unique structure of Acquisition Companies that results in a sponsor's extreme fee sensitivity, particularly during the initial post-IPO period before any substantial amount of interest is

earned from the trust account. Unlike other companies, which have pre-existing operations and immediate access to the IPO proceeds, Acquisition Companies are unique because at least 90%, and typically 100%, of the IPO proceeds are held in trust for the shareholders and are not available to fund the Acquisition Company's operations. Acquisition Companies also do not have any prior operations that generate cash that could be used to fund their operations. The Exchange also believes that the proposed fee deferral is reasonable in that it will create a commercial incentive for sponsors to list Acquisition Companies on the Exchange. The Exchange competes for listings, in part, by the level of its listing fees. As Nasdaq has previously adopted a one year deferral of its entry fees for Acquisition Companies, it is reasonable for the Exchange to adopt a comparable deferral to enable it to remain competitive in the market for the listing of Acquisition Companies.

The Exchange also notes that no other company will be required to pay higher fees as a result of the proposed amendments. Therefore, the Exchange believes that allowing an Acquisition Company to pay initial listing fees on a deferred basis is reasonable and not inequitable or unfairly discriminatory.

Finally, the Exchange believes that the proposal to defer such fees is consistent with the investor protection objectives of Section 6(b)(5) of the Act in that they are designed to promote just and equitable principles of trade, to remove impediments to a free and open market and national market system, and in general to protect investors and the public interest. Specifically, the amount of revenue deferred by allowing Acquisition Companies to pay initial listing fees one year from the date of listing is not substantial, and the fee deferral may result in more Acquisition Companies listing on the Exchange, thereby increasing the resources available for the Exchange's listing compliance program, which helps assure that listing standards are properly enforced and investors are protected. In addition, the Exchange believes that the market practice of depositing 100% of the gross proceeds of the IPO in a trust account for the benefit of shareholders (rather than the required 90%) benefits those shareholders and is consistent with the investor protection goals of the Act because it helps assure that shareholders exercising their right to redeem their shares for a pro rata share of the trust account will receive the full IPO price paid, rather than a lesser amount guaranteed by NYSE rules.

The Exchange believes that the potential impact on revenue from the initial listing fee deferral, as proposed, will not hinder its ability to fulfill its regulatory responsibilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The market for listing services is extremely competitive and listed companies may freely choose alternative venues based on the aggregate fees assessed, and the value provided by each listing. This rule proposal does not burden competition with other listing venues, which are similarly free to set their fees. The Exchange notes that Nasdaq is its primary competitor for the listing of Acquisition Companies and that Nasdaq has already adopted a deferral of its listing fees comparable to the one the Exchange is proposing. For these reasons, the Exchange does not believe that the proposed rule change will result in any burden on competition for listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)⁹ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁰ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹¹ of the Act to determine whether the proposed rule

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(2).

¹¹ 15 U.S.C. 78s(b)(2)(B).

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSE-2021-06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2021-06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2021-06 and should be submitted on or before February 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-02265 Filed 2-3-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34183]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

January 29, 2021.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of January 2021. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on February 23, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov.

FOR FURTHER INFORMATION CONTACT: Shawn Davis, Assistant Director, at (202) 551-6413 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

American Independence Funds Trust [File No. 811-21757]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 7, 2018, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$357,000 incurred in connection with the liquidation were paid by the applicant.

Filing Dates: The application was filed on February 6, 2020, and amended on October 14, 2020, and December 29, 2020.

Applicant's Address: tlesc@csacompliance.com.

Boston Income Portfolio [811-10391]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 12, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on December 16, 2020.

Applicant's Address: jbeksha@eatonvance.com.

Equinox Funds Trust [File No. 811-22447]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Campbell Systematic Macro Fund, a series of the RBB Fund, Inc., and on May 29, 2020 made a final distribution to its shareholders based on net asset value. Expenses of \$201,870.29 incurred in connection with the reorganization were paid by the acquiring fund's investment adviser, and/or its affiliates.

Filing Dates: The application was filed on August 11, 2020, and amended on November 10, 2020.

Applicant's Address: John.Ford@Troutman.com.

Holland Series Fund, Inc. [File No. 811-09060]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 2, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately \$26,000 incurred in connection with the liquidation were paid by the applicant's investment advisor.

Filing Date: The application was filed on December 16, 2020.

Applicant's Address: Kschantz@statestreet.com.

¹² 17 CFR 200.30-3(a)(12).

Lazard World Dividend & Income Fund, Inc. [811-21751]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Lazard Global Total Return and Income Fund, Inc., and on December 3, 2019 made a final distribution to its shareholders based on net asset value. Expenses of \$1,206,186.54 incurred in connection with the reorganization were paid by the applicant, the applicant's investment adviser and the acquiring fund.

Filing Date: The application was filed on December 30, 2020.

Applicant's Address: MVogel@proskauer.com.

Miles Funds, Inc. [811-08910]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 27, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$18,861.95 incurred in connection with the liquidation were paid by the applicant's investment advisor.

Filing Dates: The application was filed on May 14, 2020, and amended on January 15, 2021.

Applicant's Address: jmiles@clinewilliams.com.

Nuveen Strategy Funds, Inc. [File No. 811-07687]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to TIAA-CREF Lifestyle Aggressive Growth Fund, TIAA-CREF Lifestyle Growth Fund, TIAA-CREF Lifestyle Moderate Fund, and TIAA-CREF Lifestyle Conservative Growth Fund, each a series of the TIAA-CREF Funds, and on October 16, 2019 made a final distribution to its shareholders based on net asset value. Expenses of \$935,360 incurred in connection with the reorganization were paid by Nuveen, LLC.

Filing Date: The application was filed on December 7, 2020.

Applicant's Address: Mark.Czarniecki@nuveen.com.

Pathway Capital Opportunity Fund, Inc. [811-22807]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Prospect Flexible Income Fund, Inc., and on March 31, 2019 made a final distribution to its shareholders based on net asset value. Expenses of \$767,223

incurred in connection with the reorganization were paid by the applicant.

Filing Dates: The application was filed on November 4, 2020, and amended on January 13, 2021.

Applicant's Address: InvestorRelations@prospectstreet.com.

Rx Funds Trust [File No. 811-22878]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 30, 2016, applicant made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Dates: The application was filed on February 6, 2020, and amended on October 14, 2020, and December 29, 2020.

Applicant's Address: tllesc@csacompliance.com.

Short Duration High Income Portfolio [File No. 811-22662]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 12, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on December 16, 2020.

Applicant's Address: jbeksha@eatonvance.com.

StrongVest ETF Trust [File No. 811-23196]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 13, 2019, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately \$3,893.58 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on March 3, 2020, and amended on September 18, 2020, and December 18, 2020.

Applicant's Address: jeff.sutton@btn-inc.com.

Worldwide Health Sciences Portfolio [811-07723]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 9, 2019, applicant made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on December 16, 2020.

Applicant's Address: jbeksha@eatonvance.com.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-02269 Filed 2-3-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91019; File No. SR-LTSE-2021-01]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend LTSE Rule 14.501 To Specify the Process for Enforcing Compliance With LTSE Rule 14.425 for Listed Companies

January 29, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 19, 2021, Long-Term Stock Exchange, Inc. ("LTSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

LTSE proposes to amend LTSE Rule 14.501 to specify the process for enforcing compliance with LTSE Rule 14.425 for listed companies.

The text of the proposed rule change is available at the Exchange's website at <https://longtermstockexchange.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 14.501(d)(2)(A)(iii) to specify the process for enforcing compliance with the Long-Term Policies pursuant to LTSE Rule 14.425 under LTSE Rule Series 14.500.³ LTSE Rule 14.425(a) requires Companies to adopt and publish the following policies: A Long-Term Stakeholder Policy; a Long-Term Strategy Policy; a Long-Term Compensation Policy; a Long-Term Board Policy; and a Long-Term Investor Policy (collectively, the "Policies"). While Companies have flexibility to develop appropriate Policies for their businesses, each of the Policies must be consistent with the set of principles articulated in LTSE Rule 14.425(b) (collectively, the "Principles").⁴ Companies also are required to at least annually review their Policies, make them publicly available and free of charge on or through their websites, and provide related disclosures in certain filings with the Commission, as provided for in LTSE Rule 14.425(c).

The Exchange enforces the provisions of LTSE Rule 14.425 by ensuring that each LTSE-listed issuer has addressed all of the elements enumerated in each of the Policies, consistent with the Principles, and has made the Policies publicly available without cost.⁵ A number of rules in the Rulebook enable the Exchange to ensure such compliance. First, with respect to identification of a deficiency, LTSE Rule 14.500(a) provides that LTSE staff is responsible for identifying deficiencies that may lead to delisting. Additionally, LTSE Rule 14.410 requires a Company provide the Exchange with prompt notification after an Executive Officer of the Company becomes aware of any noncompliance by the Company with the LTSE Rule Series 14.400, which includes Rule 14.425. Second, the Exchange retains the authority to elicit

necessary information for reaching a deficiency determination, as LTSE Rule 14.207(a)(1) provides that the Exchange may request any additional information or documentation, public or non-public, deemed necessary to make a determination regarding a Company's continued listing, and a Company may be denied continued listing if it fails to provide such information within a reasonable period of time.⁶

Third, LTSE Rule 14.501 sets forth the provisions regarding the Exchange's process for notifying Companies regarding different types of deficiencies and their corresponding consequences. There are four types of Company deficiency notifications that the Exchange may issue pursuant to LTSE Rule 14.501(a): (i) Staff Delisting Determinations, which are notifications of deficiencies that, unless appealed, subject the Company to immediate suspension and delisting; (ii) notifications of deficiencies for which the Company may submit a plan of compliance for staff review; (iii) notifications of deficiencies for which a Company is entitled to an automatic cure or compliance period; and (iv) Public Reprimand Letters. LTSE Rule 14.501(d) identifies the deficiencies that fall within each of these four categories.⁷

The proposed rule change would amend LTSE Rule 14.501(d)(2)(A)(iii) to specify that deficiencies relating to LTSE Rule 14.425 would include those for which a Company may submit a plan of compliance ("Plan of Compliance") for staff review, similar to how other corporate governance rules are handled generally in LTSE Rule 14.501(d)(2)(A)(iii).⁸ The timeline for such a Plan of Compliance is governed by LTSE Rule 14.501(d)(2)(C), which establishes that a Company has 45 calendar days to submit a plan to regain compliance. LTSE staff may extend this deadline for up to an additional 5 calendar days upon good cause shown and may request such additional information from the Company as is

necessary to make a determination regarding whether to grant such an extension. The Exchange believes that this time period appropriately balances the interests of the Exchange in ensuring compliance with its listing standards with the application of principles-based listing standards by the Company.⁹

The process for reviewing such a Plan of Compliance is set forth in LTSE Rule 14.501(d)(2)(B) and would be unchanged. Under this subparagraph (B), LTSE may provide the Company with up to 180 days to regain compliance (with certain exceptions), issue a Staff Delisting Determination letter, or issue a Public Reprimand Letter in accordance with LTSE Rule 14.501(d)(4). As set forth in LTSE Rule 14.500(a), a Public Reprimand Letter or Staff Delisting Determination, upon timely request by a Company, is subject to review by a Listings Review Committee, which will adjudicate the request in accordance with procedures and timelines set forth in LTSE Rules 14.502, 14.504 and 14.505.

LTSE Rule 14.425 provides Companies flexibility in developing what they believe to be appropriate Policies for their businesses; however, each of the required Policies must include certain minimum elements, and must be consistent with the Principles. The Exchange has represented to the Commission that it will enforce the provisions of LTSE Rule 14.425 by ensuring that each Company has addressed all of the requirements enumerated for each of the prescribed Policies, that the Company's Policies are consistent with the Principles, and it has made the Policies publicly available without cost.¹⁰ Additionally, LTSE Rule 14.425(c) mandates that Companies annually review their Policies because the Exchange has anticipated that, over time, Companies may choose to or need to recalibrate their Policies with new objectives or initiatives, provided that the amended Policies continue to align with the Principles noted in LTSE Rule

³ See LTSE Rule 14.001 ("The consequences of a failure to meet LTSE's listing standards are contained in the LTSE Rule Series 14.500.")

⁴ See Securities Exchange Act Release No. 86722 (August 21, 2019), 84 FR 44953 (August 27, 2019) (order approving proposed rule change to adopt LTSE Rule 14.425).

⁵ *Id.* at 44954.

⁶ In addition, the Exchange plans to monitor Company compliance with Rule 14.425 annually and on an ad hoc basis.

⁷ LTSE Rule 14.501(d) provides that in case of a deficiency not specified in subparagraphs (1)–(4), LTSE staff will issue either a Staff Delisting Determination or a Public Reprimand Letter.

⁸ See, e.g., LTSE Rules 14.408(a) (Meetings of Shareholders), 14.408(c) (Quorum), 14.411 (Review of Related Party Transactions), 14.412 (Shareholder Approval), 14.406 (Code of Conduct), 14.407(a)(4)(D) (Partner Meetings of Limited Partners), 14.407(a)(4)(E) (Quorum of Limited Partnerships), 14.407(a)(4)(G) (Related Party Transactions of Limited Partnerships), 14.413 (Voting Rights), or 14.414 (Internal Audit Function). The proposed rule change also would remove two erroneous "or"s in LTSE Rule 14.501(d)(2)(A)(iii).

⁹ Notwithstanding the mandated period to submit a Plan of Compliance and regain compliance under LTSE Rule 14.501(d)(2), as set forth in LTSE Rule 14.501(c) and repeated in LTSE Rule 14.207(b)(2), "a listed Company that receives a notification of deficiency from the Exchange is required to make a public announcement by filing a Form 8-K, where required by SEC rules, or by issuing a press release disclosing receipt of the notification and the Rule(s) upon which the deficiency is based, and describing each specific basis and concern identified by the Exchange in reaching its determination that the Company does not meet the listing standard." For avoidance of doubt, a request for information by LTSE staff pursuant to LTSE Rule 14.207(a)(1), absent a notification of deficiency, will not require a public announcement by the subject Company pursuant to LTSE Rules 14.501(c) or 14.207(b)(2).

¹⁰ See *supra* note 4.

14.425. The Exchange believes the ability to tailor Policies, if necessary, to changing circumstances, while remaining anchored to the Principles, is essential for ensuring that the Policies are effective and meaningful tools for supporting long-term value creation for Companies and their investors.

The Exchange holds that, in case of a deficiency, Companies may achieve compliance by changing Policies or practices¹¹ related to the deficiency, amending the applicable Policies or some combination of both, provided that the changes are consistent with the Principles discussed in LTSE Rule 14.425. The Exchange's objective is to help foster long-term value creation for each Company and the Exchange believes that providing an opportunity for remediation to Companies that face a deficiency with respect to LTSE Rule 14.425 will aid in achieving that goal by allowing Companies to formulate effective Policies tailored to Company-specific needs. At all times, the Exchange may exercise its broad discretionary authority under LTSE Rule 14.101 to suspend or delist Companies based on any event, condition, or circumstance that exists or occurs that makes initial or continued listing of the securities on the Exchange inadvisable or unwarranted in the opinion of the Exchange to protect investors and the public interest, among other objectives.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,¹² in general, and furthers the objectives of Section 6(b)(5) of the Act,¹³ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, particularly those investors with a long-term focus. Further, the Exchange believes the proposal is not designed to permit unfair discrimination between issuers or to regulate by virtue of any authority conferred by the Act matters not related

to the purposes of the Act or the administration of the Exchange, for the reasons set forth below.

The Exchange believes that the proposed rule change brings deficiencies with respect to LTSE Rule 14.425 in alignment with other LTSE rules pertaining to corporate governance that allow a Company to submit a Plan of Compliance in the case of a deficiency. The proposed rule change furthers the Exchange's objective to promote long-term value creation while retaining effective enforcement mechanisms for deficiencies with respect to LTSE Rule 14.425. Pursuant to the proposed amendment, Companies will be provided an opportunity to regain compliance with LTSE Rule 14.425 by formulating appropriate Policies that remain anchored to the Principles enumerated in LTSE Rule 14.425 through an existing process that has already been determined to be consistent with the Act in that it removes impediments to and perfects the mechanism of a free and open market and a national market system, consistent with the protection of investors and the public interest.¹⁴

The Exchange believes that its proposed rule change is fair and not unfairly discriminatory because it is applicable to all listed Companies that experience a deficiency with respect to LTSE Rule 14.425 and is part of the adjudicatory process set forth in the LTSE Rule Series 14.500.¹⁵

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competing venues that is not necessary or appropriate in furtherance of the purposes of the Act. The degree to which the proposed amendment could impose any burden on intermarket competition is extremely limited because other national securities exchanges may propose similar listing standards with appropriate remediation mechanisms and issuers are able to list on other national securities exchanges. Further, issuers that do not wish to meet the Exchange's listing standards also are able to list on other national securities exchanges.

LTSE also does not believe that the proposed rule change will result in any burden on intramarket competition since it is applicable to all listed Companies without differentiation.

Consequently, LTSE does not believe that the proposed change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-LTSE-2021-01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-LTSE-2021-01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

¹¹ For the avoidance of doubt, each Company shall be solely responsible for ensuring any changes in its practices to conform to its Policies do not violate any legal, regulatory, contractual, or other requirements applicable to the Company.

¹² 15 U.S.C. 78f.

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (order approving the application of Long Term Stock Exchange, Inc. for registration as a National Securities Exchange).

¹⁵ See *supra* note 3.

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-LTSE-2021-01, and should be submitted on or before February 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-02267 Filed 2-3-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91011; File No. SR-NYSE-2020-98]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Its Rules To Prohibit Member Organizations From Seeking Reimbursement, in Certain Circumstances, From Issuers for Forwarding Proxy and Other Materials to Beneficial Owners

January 29, 2021.

On November 30, 2020, New York Stock Exchange LLC 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 amend its rules to prohibit member organizations from seeking reimbursement from issuers for forwarding proxy and other materials to beneficial owners who received shares of a security from their broker at no cost or at a price substantially less than the market price in connection with a

promotion by the broker. The proposed rule change was published for comment in the **Federal Register** on December 18, 2020.³

Section 19(b)(2) of the Act⁴ provides that, within 45 days of the publication of notice of the 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 February 1, 2021. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposal so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates March 18, 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-2020-98).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-02264 Filed 2-3-21; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16666; Washington Disaster Number WA-00088]

Declaration of Economic Injury; Administrative Declaration Amendment of an Economic Injury Disaster for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of an Economic Injury Disaster Loan (EIDL) declaration for the State of Washington dated 09/16/2020.

Incident: Civil Unrest.

Incident Period: 05/26/2020 through 01/28/2021.

DATES: Issued on 01/29/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 06/16/2021.

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: The notice of an Economic Injury declaration for the State of Washington dated 09/16/2020, is hereby amended to establish the incident period for this disaster as beginning 05/26/2020 and continuing through 01/28/2021.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Tami Perriello,

Acting Administrator.

[FR Doc. 2021-02328 Filed 2-3-21; 8:45 am]

BILLING CODE 8026-03-P

SOCIAL SECURITY ADMINISTRATION

[Docket No SSA-2021-0002]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

¹⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 90653 (December 14, 2020), 85 FR 82539. Certain comments filed in response to File No. SR-NYSE-2020-96 by Paul Conn, President, Global Capital Markets, Computershare, dated January 11, 2021, and Niels Holch, Executive Director, Shareholder Communications Coalition, dated January 20, 2021, also address this proposed rule change. These comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nyse-2020-96/srnyse202096.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

⁶ 17 CFR 200.30-3(a)(31).

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA

Comments: <https://www.reginfo.gov/public/do/PRAMain>. Submit your comments online, referencing Docket ID Number [SSA-2021-0002].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235,

Fax: 410-966-2830, Email address: OR.Reports.Clearance@ssa.gov

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAMain>, referencing Docket ID Number [SSA-2021-0002].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than April 5, 2021. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Supplement to Claim of Person Outside the United States—20 CFR 404.460, 404.46, 422.505(b), and 42 CFR 407.27(c)—0960-0051.* Claimants or beneficiaries (both United States (U.S.) citizens and aliens entitled to benefits) living outside the U.S. complete Form SSA-21 as a supplement to an application for benefits. SSA collects the information to determine eligibility

for U.S. Social Security benefits for those months an alien beneficiary or claimant is outside the U.S., and to determine if tax withholding applies. In addition, SSA uses the information to: (1) Allow beneficiaries or claimants to request a special payment exception in an SSA restricted country; (2) terminate supplemental medical insurance coverage for recipients who request it, because they are, or will be, out of the U.S.; and (3) allow claimants to collect a lump sum death benefit if the number holder died outside the U.S. and we do not have information to determine whether the lump sum death benefit is payable under the Social Security Act. The respondents are Social Security claimants, or individuals entitled to Social Security benefits, who are, were, or will be residing outside the United States for three months or longer.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
Paper version—U.S. Residents	360	1	14	84	* \$18.23	24	\$4,156
Paper version—Residents of a Tax Treaty Country	1,978	1	9	297	* 18.23	.....	*** 5,414
Paper version—Nonresident aliens	1,379	1	8	184	* 18.23	.....	*** 3,354
Intranet version—(MCS)—U.S. Residents	441	1	11	81	* 18.23	.....	*** 1,477
Intranet version—(MCS)—Residents of a Tax Treaty Country	2,426	1	6	243	* 18.23	.....	*** 4,430
Intranet version—(MCS)—Nonresident aliens	1,691	1	5	141	* 18.23	.....	*** 2,570
Totals	8,275	.....	.....	1,030	.....	.....	*** 21,401

* We based this figure on averaging both the average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete.*

2. *You Can Make Your Payment by Credit Card—0960-0462.* Using information from Form SSA-4588 and its electronic application, Form SSA-4589, SSA updates individuals' Social Security records to reflect payments made on their overpayments. In addition, SSA uses this information to process payments through the appropriate credit card company. SSA provides the SSA-4588 when we inform

an individual that we detected an overpayment. Individuals may choose to make a one-time payment or recurring monthly payments by completing and submitting the SSA-4588. SSA uses the SSA-4589 electronic Intranet application only when individuals choose to telephone the Program Service Centers to make a one-time payment in lieu of completing Form SSA-4588. An SSA debtor contact representative

completes the SSA-4589 electronic Intranet application. Respondents are Old Age Survivors and Disability Insurance (OASDI) beneficiaries and Supplemental Security Income (SSI) recipients who have outstanding overpayments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA-4588 (Paper)	16,500	1	10	2,750	*\$10.73	** 24	*** \$100,326
SSA-4589 (Electronic)	258,500	1	5	21,542	* 10.73	.....	*** 231,146
Totals	275,000	.....	.....	24,292	.....	.....	*** 331,472

* We based this figure on average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete.*

3. *Screen Pop—20 CFR 401.45—0960–0790.* Section 205(a) of the Social Security Act requires SSA to verify the identity of individuals who request a record or information pertaining to themselves, and to establish procedures for disclosing personal information. SSA established Screen Pop, an automated telephone process, to speed verification for such individuals. Accessing Screen Pop, callers enter their

Social Security number (SSN) using their telephone keypad or speech technology prior to speaking with a National 800 Number Network (N8NN) agent. The automated Screen Pop application collects the SSN and routes it to the “Start New Call” Customer Help and Information (CHIP) screen. Functionality for the Screen Pop application ends once the SSN connects to the CHIP screen and the SSN routes

to the agent’s screen. When the call connects to the N8NN agent, the agent can use the SSN to access the caller’s record as needed. The respondents for this collection are individuals who contact SSA’s N8NN to speak with an agent.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Screen Pop	50,487,044	1	1	841,451	* \$25.72	** 17	*** \$389,558,027

* We based this figure on average U.S. worker’s hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** We based this figure on the average FY 2020 wait times for teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete.*

4. *Application for Access to SSA Systems—20 CFR 401.45—0960–0791.* SSA uses Form SSA-120, Application for Access to SSA Systems, to allow limited access to SSA’s information resources for SSA employees and non-Federal employees (contractors). SSA

requires supervisory approval, and local or component Security Officer review, before granting this access. The respondents are SSA employees and non-Federal Employees (contractors) who require access to SSA systems to perform their jobs.

Note: Because SSA employees are Federal workers exempt from the requirements of the Paperwork Reduction Act, the burden below is only for SSA contractors.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) ***
SSA-120 (Paper version)	685	1	2	23	* \$48.80	** \$1,122
SSA-120 (Internet version)	14,282	1	2	476	* 48.80	** 23,229
Totals	14,967	.....	.....	499	.....	*** 24,351

* We based this figure on average Federal Executive Branch worker’s hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/naics4_999100.htm).

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Request to Show Cause for Failure to Appear—20 CFR 404.938, 404.957(b)(1), and 416.1438—0960–0794.* When claimants who requested a

hearing before a judge fail to appear at their scheduled hearing, the judge may reschedule the hearing if the claimants establish good cause for missing the

hearings. To establish good cause, respondents must show proof of one of the following: (1) SSA did not properly notify the claimant of the hearing; or (2)

an unexpected event occurred without sufficient time for the claimant to request a postponement. The claimants can use paper Form HA-L90 or HA-L90-OP1 to provide their reason for not appearing at their scheduled hearings; or the claimants' representatives can use Electronic Records Express (ERE), OMB Control No. 0960-0753, to submit the HA-L90 online. SSA uses the HA-L90 for new cases, and the HA-L90-OP1 for redetermination cases. We need two

versions of the paper form, as the judge follows different procedures when determining the good cause on redetermination cases (cases that have a prior decision and evidence on file), than they do for new cases (where we have no evidence on file). The ERE modality adjusts for redetermination cases, so we only need one version of the internet screens. If the judge determines the claimant established good cause for failure to appear at the

hearing, the judge will schedule a supplemental hearing; if not, the judge will make a claims eligibility determination based on the claimants' evidence of record. Respondents are claimants, or their representatives, seeking to establish good cause for failure to appear at a scheduled hearing before a judge.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
HA-L90	39,500	1	10	6,583	*\$18.23	** \$120,008
HA-L90-OP1	500	1	10	83	*18.23	** 1,513
Totals	40,000	.....	.....	6,666	.....	** 121,521

* We based this figure on averaging both the average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** This figure does not represent actual costs that we are imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than March 8, 2021. Individuals can obtain copies of these OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov*.

1. *Help America Vote Act—0960-0706*. Public Law 107-252, the Help

America Vote Act of 2002, mandates that States verify the identities of newly registered voters. When newly registered voters do not have driver's licenses or State-issued ID cards, they must supply the last four digits of their Social Security number to their local State election agencies for verification. The election agencies forward this information to their State Motor Vehicle Administration (MVA), and the State MVA inputs the data into the American Association of MVAs, a central

consolidation system that routes the voter data to SSA's Help America Vote Verification (HAVV) system. Once SSA's HAVV system verifies the Social Security Number of the voter, the information returns along the same route in reverse until it reaches the State election agency. The respondents are the State MVAs seeking to confirm voter identities.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
HAVV	48	87,332	4,191,936	2	139,731	*\$17.51	**\$2,446,690

* We based this figure on average local government information and records clerk's salary shown on the Bureau of Labor Statistic's website (<https://www.bls.gov/oes/current/oes434199.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Cost Burden: Per our current management information data, the 48 state MVAs participating in HAVA each pay an annual maintenance cost of \$4,400. Additionally, states pay .05 cents per verification request. Therefore, the total cost to respondents is \$420,797.

2. *Incoming and Outgoing Intergovernmental Personnel Act Assignment Agreement—5 CFR part 334—0960-0792*. The Intergovernmental

Personnel Act (IPA) mobility program provides for the temporary assignment of civilian personnel between the Federal Government and State and local governments; colleges and universities; Indian tribal governments; federally funded research and development centers; and other eligible organizations. The Office of Personnel Management (OPM) created a generic form, the OF-69, for agencies to use as a template when collecting information for the IPA

assignment. The OF-69 collects information about the assignment including: (1) The enrolled employee's name, Social Security number, job title, salary, classification, and address; (2) the type of assignment; (3) the reimbursement arrangement; and (4) an explanation as to how the assignment benefits both SSA and the non-federal organization involved in the exchange. OPM directs agencies to use their own forms for recording these agreements.

Therefore, SSA modified the OF-69 to meet our needs, creating the SSA-187 for incoming employees and the SSA-188 for outgoing employees. SSA collects information on the SSA-187 and SSA-188 to document the IPA

assignment, and to serve as an agreement between the agencies. Respondents are personnel from State and local governments; colleges and universities; Indian tribal governments; federally funded research and

development centers; and other eligible organizations who participate in the IPA exchange with SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
Non-Federal employee	3	1	30	2	*\$50.00	** \$100
Non-Federal employer signers	12	1	5	1	*50.00	** 50
Totals	15	.....	.....	3	.....	** 150

* We based this figure on averaging the average of Postsecondary Education Administrators and Executive Branch Management Analysts hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes119033.htm> & <https://www.bls.gov/oes/current/oes131111.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: February 1, 2021.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2021-02341 Filed 2-3-21; 8:45 am]

BILLING CODE 4191-02-P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from Iowa State University (WB21-14-1/5/21) for permission to use data from the Board's 1992-2018 Unmasked Carload Waybill Sample. A copy of this request may be obtained from the Board's website under docket no. WB21-14.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245-0319.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2021-02352 Filed 2-3-21; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2021-2046]

Petition for Exemption; Summary of Petition Received; Google Research Climate and Energy Group

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 24, 2021.

ADDRESSES: Send comments identified by docket number FAA-2020-0386 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building

Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683-7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2020-0386.

Petitioner: Google Research Climate and Energy Group.

Section(s) of 14 CFR Affected:
 §§ 61.3(a)(1)(i); 91.7(a); 91.119(c);
 91.121; 91.151(b); 91.405(a);
 91.407(a)(1); 91.409(a)(1) and (2);
 91.417(a) and (b); 137.19(c), (d),
 (e)(2)(ii), (e)(2)(iii), and (e)(2)(v); 137.31;
 137.33; 137.41(c); and 137.42.

Description of Relief Sought: Google Research Climate and Energy Group (Google Research) seeks relief to operate the HSE-UAV M8A Pro unmanned aircraft system, weighing over 55 pounds (lbs.) but no more than 98.8 lbs., for testing fire-fighting and monitoring operations with first person view

technology located at a confined private property in Firebaugh, California.

[FR Doc. 2021-02316 Filed 2-3-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending December 31, 2020. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
AARDEMA	MICHAEL	PRESTON
ABARIUTE	SILVIJA	
ADKINS	AMANDA	ELIZABETH
AHERN	JULIE	
ALBROW	JOHN	CHARLES
ALEXANDER	KIRSTEN	
ALNAJJAR	DANA	MAJDI
ALNAJJAR	SAIF	MAJDI
AMZALLAG	ADRIEN	
ANDERSON	AUSTEN	KATHLEEN
ARAKAWA	TOSHIHIKO	
ARIE	MAYUMI	
ARITOMO	KELICHI	
ARMSTRONG	TARA	MORRELL
AUDOUZE	MYRIAM	JACQUELINE
BAER	NATASHA	CHETIYAWARDANA
BAGNARA	GIAN	LUCA
BAILEY	ELIZABETH	MARIE
BAIRD	BARBARA	DALLAS
BALDERESCHI	RENZO	
BALDOCK	SIMON	N.
BALDOCK	VIRGINIA	
BARROS	PEDRO	PABLO
BARSKYY	IGOR	
BARTA	DAMIAN	CYRIL
BAS	BJORN	NICHOLAS
BATES	GREGORY	J.
BAUGH	MISAKI	T.
BEDNARIK	JOSEPH	LEE
BENNETT	CHERYL	A.
BERENDSEN	ANNE-MARIE	
BERENDSEN	ARJEN	
BERG	BIRGIT	MONIQUE TEN
BERGER	CONNIE	
BERGER	ELIZABETH	
BERNHARDT	DIANE	CATHERINE
BILL	MARCO	HANS
BIRNER	KATRIN	
BIRNER	THOMAS	
BJORNVOLD	INGVLID	
BLASIO	GIULIANA	DE
BOEL	OLIVIER	ARNAUD
BOS	ALBERT	MARTIN
BOSSY	CAROLE	
BOUCARD	RENAN	
BOUCHARD	DIANA	CHURCHILL
BOWER	LESLIE	ANNE
BOWES	CLAIRE	S.
BOWES	NEAL	G.
BOWLES	ZEFFUL	
BOYAPATI	ADITHYA	
BRAKE-BALDOCK	KAREN	ELIZABETH TE
BRANCH	JEAN	CLAUDE
BRANCKE	ANITA	
BREDIUS	MARTINUS	

Last name	First name	Middle name/initials
BREINGAN	LUCIENNE	ELISE
BREITSCHAFT	MARRE BEATRIJS	HARRIET
BREUNINGER	SILKE	K.
BRIZINOV	SHARON	ITAY
BROADWELL	ANDREW	HERBERT
BROADWELL	EVAN	ANDREW
BROOKS	STEPHANIE	NADINE
BROWN	DAVID	LYN
BRUSH	GREGORY	JOHN
BUCKE	DANIELLE	SHEILA BARBARA
BUCKLAND	NIGEL	CRAIG
BURKHARDT	PIERRE-ALAIN	
BYRNE	JULIE	I.
BYRNE	NICHOLAS	G.
CACCHIONE	CAROL	MARY
CALDER	JENNIFER	ROSALIE
CALVER	SHAUN	L.
CAMERON	STUART	K.
CARDAMONE	NICHOLAS	
CASELLA	ALICIA	JOANA
CASTORIADIS	MARJORIE	AMERICA
CATANIA	SABRINA	
CAVE	GERALD	JOSEPH
CERRUTTI DONAYRE	GIULIANA	I.
CHAN	ESTHER	
CHAN	JANYNE	JEN KHOON
CHAN	KATHY	
CHANG-DROP	GLORIA	CHIUNG SING
CHANTREY	ALICIA	DAY
CHAPPUIS	TANYA	
CHARLES BERSIA	JEAN-JACQUES	RENE
CHEN	KAI	
CHESSEX	CYRIL	ALAIN
CHIANG	CHUNG-CHIEN	
CHIN	HO	JING JUSTIN
CHIU	CHANEL	MUN LUM
CHIU	SANDY	MAN HUNG
CHMIEL	VIVIANE	SARAH
CHOW	JUSTIN	HOI WAH
CHRISTODOULOPOULOS	ILIAS	
CHU	SHEENA	KA-MAN
CLAIRET	GUY	
CLARKE	VIRGINIA	
CLASSEN	CORNELIA	ULRIKE
CLOES	BENOIT CHANTAL	MAURICE
CNOSSEN	BARTELINE	ASTER
CNOSSEN	MARJON	HESTER
COE	CLAIRE	JEANETTE
COENDERS	MARIA	JOHANNA
COLLINS	JANE	RUTH
COLLINS	REGINA	ANNE
CONDIT	MATTHEW	REID
CONSTANTINO	MS KENXIE	RAE
COOMBS	CATHERINE	
COONEY	LINDA	LEE
COOPER	RICHARD	C.
CORBIN	NANCY	MARGARET
CORREA	CECILIA	JENNA
CORREA	TAMARA	FELICIA SALOME
CORTHESEY	QUENTIN	MARC
CREITZ	CLARA	STEPHANIE
CREUSEN	JOSEPH	MATHIAS MICHAEL
CRUZ	CAMERON	DANIEL
CRUZ	CHRISTEL	LINNEA
CUDMORE	JANIS	M.
CUMMING	NANCY	A.
CUMMINGS	RICHARD	JAMES
CUMMINS	ROBERT	DAVID
CUNNINGHAM	TOBY	DANIEL
CURTI	ARIANE	CATERINA
CUSUMANO	RITA	ANTONIETTA
DALES	RAMONA	JANE
DARBYSHIRE	CHRISTOPHER	W.
DAVID	ADAM	

Last name	First name	Middle name/initials
DAVIS	ALTHEA	JACQUELINE
DAVIS	EDITH	J.
DAVIS	FEIGA	BLUMA
DE KINKELIN PELLETAN	TAMARA	ANNICK
DE KONINCK	JAN	PIETER
DE MESTRAL	HUBERT	HENRY
DE METZ	JULIETTE MARIE	FRANCOISE
DE RUIG	TIMOTHY	JOHN
DE SCHRYVER	INGRID	DENISE
DEANE	CARL	RAYMOND
DELAHAJ	ERIC	JOHN
DEMPSEY	DAVID	L.
DENNIS	PATRICIA	
DENNY	MELANIE	C.
DERKSEN	GERHARDUS	H.
DEVEREUX	HELEN	
DEVNANI	MONEESHA	
DEYHLE	REBECCA-MARIE	CHRISTINE
DHALIWAL	PREETPAL	SINGH
DISHER-MULHOLLAND	CATHERINE	
DOMON	ALAIN	RICHARD
DONNELLY	LINNEA	S.
DORIGO	ANDREA	
DOUMET	DANIELA	MIRANDA
DOWGIALLO-KUEHN	JOANNA	ZOFIA
DU PONT DE BIE	NATACHA	ALEXIA
DUCHARME	ANDREE	LOUISE
DUDNEY	LAURA	ELIZABETH
DUFTSCHMID	GEORGE	KLAUS
DULAC	ROLAND	MARIO
DUNLOP	EMILY	ELIZABETH
DUYSENS	JORIS	PIETER
EDGERTON	ELIZABETH	TOMASCITA
EDWARDS	DESMOND	
EGAN	JACOBUS	ANTHONY
EGGLESTON	ZOE	JACQUELINE
EGLINTON	LORRAINE	BUXTON
ENGEL	ANNEMARIE	THERESIA
ENGENES	ERIK	ALEXANDER
ENGLISH	CAROL	A.
ENTWISTLE	ROBERTA	MARSHA
ESPOSITO	ANIELLO	
ESSAPEN	MEVIN	DARMALINGUM
FAN	YUN	
FARO	CLAUDIA	MAUREEN
FENG	XIAOMING	
FENG	YAN	
FIEDLER	GARANCE	
FINKAS	JAN	
FLOORS	LARS	SEBASTIAN
FORCEY	ERIC	JAMES
FOSSBERG	NYA	BYRON
FRASER	ALISDAIR	D.
FRIDDELL	ELEANOR	ALEXANDRA
FRYDENLUND	BENEDIKTE	MATHISEN
GADDIE	LISA	JACQUELINE
GAJDA	WILLIAM	A.
GAO	XIANG-DONG	
GARBRANDT	JAMES	ALLEN
GARBRANDT OLSEN	TONI	LYNN GARBRANDT
GARRARD	JUNG	IM
GARREL	KARIN	MARGARETA
GEDDES	MARGARET	C.
GEMONET	FLORIAN	THIERRY
GENDRON	NATHALIE	MARIE HELENE
GERARD	STANISLAS	MARY
GERMAN	VERNA	
GERTSCH	ANDREAS	JOEL
GETSIOS	SPIRO	
GIBSON	PAUL	P.
GIBSON	SHARON	N.
GILLIAN	KATHERINE	MARY
GIROUX	CHANTAL	RAYMONDE
GJEITNES	JANET	JOANNE

Last name	First name	Middle name/initials
GLADISH	JANET	
GLASS	JULIE	ANN
GOEDEL	CLAUDINE	SUSAN
GOLSTEIN	MARTINE MARIE	P.
GOULDING	ALASTAIR	R.
GRADWELL	ANNE	LOUISE
GRAVES	NAHOKO	U.
GRAY	ROWAN	CHRISTOPHER SANFORD
GREFE	JOHN	ALAN
GRILIS	DANIELLE	P.
GUPTA	KAUSHAL	D
GYDE	DOMINIC	PATRICK RICHARD
HABERSTROH	MARK	ARTHUR
HAMADA	SHINJI	
HAMAJIMA	MASAHIKO	
HAMWEY	ROBERT	MICHAEL
HARE	VICTOR	ERNEST
HASHIMOTO	YOSHIMI	
HAYASHI	AKIYO	
HAYASHI	TERUMI	
HAYNES	TREVOR	RYDER
HEDGES	NICHOLAS	GEOFFREY
HEFFERON	SEAN	BERNARD KEONI
HENDERICKS	MARTIN	JACOB THEODORE
HENNEBERGER	MARK	STEVEN
HERFURTH	STEPHANIE	MARIE
HERMANN	LISA	MARIE
HERRON	TERENCE	
HEWETT	NICHOLAS	ALEXANDER WIGMORE
HEWSON	ROBERT	NICHOLAS ALAN
HIPPS	RYAN	CHRISTOPHER
HIRATA	TOMOKO	
HOEING	CLAUDIA	CHRISTINE
HOEING	STEPHANIE	JEANNINE
HOLT	KAREN	LEE
HOLT	ROBYN	B.
HONG	MELANIE	JIYOUNG
HOSHIBA	SYOHEI	
HOSOKAI	TOMOKO	
HSU	CHENG KUANG	
HSU	MEI-YIEH	HUANG
HSU	YUH	RONG
HUI	HAILONG	
HULSBOSCH	THEODORUS	MARIA
HYRKA	NICHOLAS	
IIDA	MADOKA	
IKARI	IKUKO	
ISHIBATA	CAMIE	
ISHIDA	YOSHIKO	
ITO	CHIE	
ITO	MAYU	
IVERSEN	MARGARET	DANA
IYADOMI	KENICHI	
JACKSON	RUTH	A.
JACOBS-JONES	YVONNE	ANGELA
JACQUES	ALINE	MADELEINE MALVINA
JASCHKE	MICHAEL	
JAUERNIG	BARBARA	CHRISTINA
JEAN	PIERRE	EMILE
JEONG	LEO	
JOHN	OMAR	AMADOU
JOHNSTON	ANGELA	DIANE
JONES	JUNE	E.
JONES	ROBIN	LOUISE
JONIAU	INGE	JOHANNA
JONKER	MANDY	JANE
KABUTO	YASUTAKA	
KADISHASANOGLU	AYNUR	
KARATSOUBA	ANASTASIA	KAZOUROV
KARTASOVA	ANTONINA	ANDREEVNA
KEITH MYERS	ANDREA	
KERI	JONAH	M.
KIEFER VON MUHLENEN	CHRISTINA	MARIETTA
KIM	EUGENE	

Last name	First name	Middle name/initials
KIM	JENNIFER	TAE EUN
KIM	JUSTIN	EUIHYUN
KIM	KYUNG-HEE	
KIM	ROY	KEON
KIM	SEIN	
KIND	JASON	OSWALD
KITAMURA	KEIKO	
KITAO	SAGIRI	
KLIJN	MARIAN	M.
KMETKO	TOMAS	
KNOOP	ISABELLA	
KNOOP	UWE	
KOBAYASHI	AYUKO	
KOBAYASHI	CHIKAKO	
KOBAYASHI	TADASHI	
KOHATA	MICHIKO	
KOLLER	PHILIPP	BRIAN
KONO	HIROSHI	
KOREY	ANDREW	G.
KOSTNER	FRANK	
KOSTNER	TINO	
KOSTYTSCA	MARIA	
KOTWAL	ASHOK	GOPAL
KOTWAL	BHARATI	
KRAHENBUHL	MIRKO	CHRISTOPH
KREBS	MONIKA	
KRIEK	LYDIA	ELISABETH
KRISTENSEN	SABINE	
KRUSE	THOMAS	MURTAGH
KUENSTLER	LILLI	
KULPER	LINA	
KUMPE GARCIA	KAREN	LYNN
KUSHIMA	MAKI	
KUSHIMA	RYOTARO	
KUSKA	RENEE	
KUTSCHER	DANIEL	
KVAN	TOMMY	EDON
LAD	NIKITA	HITESH
LAFLAMME	BEVERLY	JEAN
LAMBRECHT NOORDERMEER	JEOREN	PAUL
LAMMERS	MARLIES	ANN
LANDER	STEPHEN	J.
LANGWITH	CATHERINE	LOUISE
LAWTON	ELLEN	LUCILLE
LAY	MARIA	I.
LEDERMAN	RAPHAEL	PHILIPPE GILBERT
LEE	SEAN	
LEE	THEODORE	FREDERICK
LEENDERS	MATTHEUS	J. M.
LEIGHTON	RYAN	PATRICK
LELEUX	ALLIETTE	
LEONOV	VLADIMIR	
LEVI	ANNA	MARI
LEVIN	BORIS	
LEVIN	MALCOLM	GIDEON
LI	JUN	
LI	SHUXIN	
LI	WEI	
LIEGEL	MICHAEL	
LIGOT	ANTHONY	FELICIO VINCENT MARIO MICHEL
LIM	JENNIFER	
LIMOR	ORY	
LIN	YUANQING	
LIN	YUIN	
LINDER	DEBRA	RAE
LINTJER	JULIETTE	
LITTLE	ROBERT	B.
LIU	GEORGE	K.C.
LLANES	MONIQUE	MARTHA
LLOYDS	DAVID	WILLIAM
LO	CHRIS	CZE WAI
LOCNIKAR	SILVIA	A.
LOERKENS	JANET	ELLEN
LOGSDAIL	JASON	LLOYD

Last name	First name	Middle name/initials
LOMBARDO	TERESA	
LOOS	MICHAELA	
LOPEZ DE LA VEGA	BEATRIZ	FERRER
LOUKAS	LAMPROS	LEONIDAS
LU	TZU-YING	
LUENEBURGER	CHRISTOPH	
LUK	ERIC	CHUN WANG
MA	TERENCE	K.
MAAG	JESSICA	MARGARETTE
MACDONALD	CAROLE	H.
MACLELLAN	DEBRA	J.
MACMILLAN	JEFFREY	F.
MACMILLAN	PATRICIA	L.
MAHAUD	JEAN GUY	ANDRE
MAHLEB	ERIC	ROBERT
MANG	TAK	CHI
MANSION	BENOIT	L.
MANSION	TOM	C.
MANSURI	KAMRAN	
MARCAZZO	HANNAH	SUSAN KATHLEEN
MARINO	LUISA	QUINOY
MASIRONI	FULVIO	MARIO
MASTANDREA	LUIGI	GIUSEPPE
MATSUMOTO	MAKIKO	
MAURO	GIULIA	PAOLA
MCCANN	THOMAS	JAMES
MCCRACKEN	TOM	EDWIN
MCFADYEN	JENNIFER	L.
MCGARRY	JOHN	COLIN
MCLEOD	KATE	E.
MEDEIROS	JEANNINE	MARIE
MEIER-GIBBONS	FRANCES	EVELYN
MELCHER	ADAM	SHEPHARD
MELSAETHER	JANNE	ELIN
MENDEL	BENEDICTE	
MENDEL	CHRISTIAN	V.
MERCER	MARC	ARTHUR
MEYNEN RUSSELL	SARA	BARNUM
MEZIERE	CAROLINE	
MICHAUD	SEBASTIAN	EMILE
MIKALSEN	KJELL	GEORG
MILBURN	CYNTHIA	ASHLEY
MILLAR	CHRISTOPHER	PATRICK
MILLAR	MICHAEL	S.
MILLAR	SANDRA	E.
MITCHELL	CHARLES	KONRAD
MITCHELL	WILLIAM	GRANT
MITTON	ROBERT	
MIYAMOTO	YUMIKO	
MOECKLI	SIMON	WALTER
MOGSTAD	ROLF	
MOLDEN DENIAU	ALEXANDRA	PAGE
MOLTZ	KAREN	SAMPSON
MONAGHAN	MARGARET	LIVIA
MONCADA	ALBERTO	GIOVANNI
MONCADA	VALENTINA	GIOVANNA
MONNEY	TIFFANY	SARAH
MONTANO	TERESA	A.
MONTAZERIAN	MEHDI	
MOORE	JULIA	KATHERINE
MORAIN	ASTRID	GENEVIEVE
MORRISON	JOANNA	ALLISON
MOTTE	GWENDOLINE	MARIE
MOULTON	LUCY	ANN
MULLER	SIMONE	CLAUDIA
MURATANI	TATEKI	
MURPHY	TAYLA	MAREE
MYUNG	JAYHYUK	
NAGASAKA	KEIKO	
NAGASAKA	MASAYA	
NAGATA	RYOICHI	
NEAL	HENNA	ELISABETH
NEWBOULD	CARELIA	S.
NEWSOME	MATTHEW	D.

Last name	First name	Middle name/initials
NEWTON	NICHOLAS	JOHN
NEWTON	RACHAEL	ELIZABETH
NITZSCHE	ERNST	ALFRED
NITZSCHE	NICOLA	JANE
NOBBERS	ANNEMARIE	
NONNI-FARAC	LYDIA	ROSAPIA
NOWOWIEJSKI	DANA	
NUNN	ROSEMARIE	
OH	YOUNG	RAN
OHANA	JACQUES	A.
OHLENDORF	TESSA	RUTH
OLIVER	THEA	BETH
OMURA	KOKI	
OSULLIVAN	LORNA	M.
OSULLIVAN	PATRICK	M.
OYOUUB	HAMID	
PALLARES	MARIA	DE PILAR
PARIKH	SACHIN	J.
PATEL	AMITA	BHAGWANJI
PATEL	MAYUR	MAHENDRABHAI
PATHMANATHAN	WIJEYANAND	
PATTEN	WAYNE	HARRIS
PEARSON	DONALD	JAMES
PEARSON	SUZANNA	NANCY
PEGNUM	STEVEN	BRANDON
PELLONI-ROBINS	MELODIE	GAY
PENROSE	JACQUELINE	ANNE
PENRUDDOCKE	ADRIANA	URSULA
PETERS	AARJEN	DEAN
PETERS	CHRISTINE	ANN
PHILIPP	ALEXANDER	MAXWELL
PITTS	MARY	LOUISA
PIVIN	NICHOLAS	HUGHES HENRY
POON	CHRISTOPHER	JAMES
POULIN	MONIKA	A.
PRIEST	RICHARD	MAURICE
PRIOR	SUSAN	ELLIS
PUCKERING	ANDREW	DAVID
RAMUNDO JR	IGINIO	A.
RAND	HILLARY	GRAY
RAWSON	CLAUDE	J.
RAYMOND VIROS	ALEXANDER	PAUL
RAZ	STAV	
REGUEIRO	ALEXANDER	
REIDENBACH	MANUELA	
REINER	DEBORAH	FAIRMAN
REMDE	AXEL	JENS
REMIÉ	CHRISTOFORUS	STEFANUS MARIA
RIJKENS	CLAIRE	ANNA
RINGWALD	SEBASTIAN	
RIVA	TIM	SEAN
ROBBAZ	XAVIER	LOUIS
ROCH	BRIGITTE	MARIA
ROLLE	BARBARA	
ROMIJN	JASPER	
ROSSMANITH	MATTHIAS	P.
RUPP	REBECCA	FAYE LIECHTY
RUSSELL	KATHLEEN	
RUSSELL	PETER	T.
RYPPA	XAVER	
SABLAN	ANTHONY	FRANCISCO
SADDEN	EUAN	RICHARD
SADEGHI	KAZEM	
SALADINO	LEE	HULL
SALATINO	CYNTHIA	LYNN
SALUJA	JASJEET	SINGH
SANDBERG	JOYCE	C.
SANNER	MICHAEL	HINSVERK
SARTORIUS	DANIEL	MATTHIAS
SARTORIUS	YVETTE	MARIA
SASAKI	THOMAS	TAKAHISA
SAUTEROT	SIMONE	
SCHAEFER	JOERG	
SCHARF	ANNA	

Last name	First name	Middle name/initials
SCHOUMAKERS	KELLY	MARIE
SCHRIMPF	ROBERT	MARSHALL
SCHULTZ	JAMES	FRANKLIN
SCHUTTE	ADRIA	GERRITA
SCHWARTZ	GORIA	R.
SCHWIEGER	FLORIAN	
SEIXEIRO	APRIL	G.
SEIXEIRO	STEVE	F.
SEQUEIRA	KYOKO	Y.
SERVETTI	GIANMARCO	
SETT	MERRILEE	
SHAH	MILAP	
SHIACH	PATRICIA	J.
SHIMOYAMA	SHINJI	
SHIMOYAMA	YOSHIKO	
SHIRREFF	ERIN	
SIBRAVA	IVANA	
SIGG	NATHANAEL	PHILIPPE
SIM	DAVID	F.
SIMAN	KATHERINE	ANGELA
SIMON	RICHARD	
SIMPSON	KRISTA	MEGAN
SIMS	CHRISTOPHER	FRANCIS
SKAPINKER	ARI	D.
SMITH	CHRISTOPHER	MCLEAN
SMITH	KEVIN	RAY
SMITH	MALCOLM	
SON	JONG	HYUN
SONG	JIWAN	
SONGSEE	TAPANEE	
SOOD	SUSHEEL	K.
SORENSEN	JOHN	JOSEPH
SPAANS	LOUISA	NIGELLA
SPAGNOLO	JOSEPH	DOMINICK
SPIKERMAN	JUDITH	ANN
SPOHN	PETER	MARTIN HOWARD
SPRAY	VIRGINIA	A.
STAVRIOTIS	MICHIKO	
STEELS	LENIE	MARIA
STEENSMA	MAX	CHRISTIAAN VINCENT
STEENSMA-DE JONG	MATHILDE	CATARINA
STEMPER IV	JOHN	LOUIS
STEUERWALD	NOEMI	ANTONIA
STINDT	STEVEN	GARY
STOTHERT	CATRIN	EIRLYS
STRAUBINGER	DANIELA	CHRISTINE
STRAUSS	DANA	LEIGH
STUBENBERG	LEOPOLD	
STUMPE	KAREN	BEVERLY SMIT
TAKAHASHI	HIDEO	
TALMA	DIRK	SYBRAND
TANAKA	AKIRA	
TANAKA	HIDEAKI	
TANIGUCHI	MIYOKO	
TAYFUN	TARIK	
TAYLOR	SARAH	ELIZABETH WIGMORE
TAYLOR	SHARON	
TEE	PAULA	SUZANNE
TEHEE	RYAN	PATRICK
TEMMINK	ANKE	CARIN
TERCEIRA	AMY	LAUREN
TERCEIRA	MICHAEL	RALPH
TERCEIRA	THEODORE	C.
TESHIMA	TATSUHISA	
TESHIMA	TOMOKO	
THARIN	OLIVIER	C.
THOMAS	MARTIN	LABBETT
THORPE	ANDREW	
THYS	YVES	
TOH	KEITH	
TOMLINSON	IRENE	L.
TOSTAIN	OLIVIER	ETIENNE MARIE
TOWELL	ANTHONY	
TOYOTA	MITSURU	

Last name	First name	Middle name/initials
TOYOTA	TERUKO	
TROTTA	FRANCESCA	
TSAI	I	CHEN
TSAKIRIS	ANASTASIOS	
TSE	SUSAN	MARGARET
TUNCAY	HEIDI	
TURLAPOV	ANDREY	V.
TYLER	ALICE	H.
TYLER	FRANCIS	S.
TZONEV	DIMITRE	DIMOV
URANO	TAMAMI	
USUI	SACHIYO	
VAAGNES	ALICE	BENTE
VACHER	CAROLE	
VAESSEN	MAURICE	PETER
VAESSEN	RAYMOND	ADRIANUS JACOBUS
VAN AARLE	FRANCISCUS	
VAN BENTUM	OTTO	A.
VAN BERKEL	LUCIA	ANTONIA
VAN DAALEN	OLIVER	MICHAEL
VAN DER HULST	TJEERD	
VAN ERVEN	SYBELLE	B.E.
VAN LOON	BASTIAAN	LAMBERTUS
VAN MILGEN	HILLEBRAND	
VAN NIEKERK	PIETER	A.
VANDENBERG	LLOYD	HENDRICUS
VANMARLE	WILLIAM	
VAVELIDIS	EFSTRATIOS	
VELLA	CHRISTOPHER	M.
VERHOEF	ARNOUD	
VIERLING	VIRGINIA	WILHELMINA LUCIA
VIGOUREUX	ALEXANDER	LE
VISHLOFF	SANDRA	LYNN
VOCE	SAMANTHA	MARY
VOGT	RAINER	KENT
VON BOEHM-BEZING	ANNETTE	BARBARA
VOUTE	SEBASTIAAN	JEROEN
VROEGOP	AMANDA	LOUISE
WAKEFIELD	ROSEMARY	K.
WAN	HONGYAN	
WANG	QUN	
WARD	BARBARA	JOSE
WARD	BRIAN	MICHAEL
WARD	LYNDA	G.
WARING	IAN	
WATANABE	AKIKO	
WEBBER	PETER	HOWARD
WEBSTER	JENNIFER	MARIE BRIDGETT
WEEDA	MIRIAM	MARIJTJE BAAFJE
WEIAND	PATRICK	GARY
WESTDIJK	CAROLINE	HELENE
WETMORE	GAIL	BELLE
WHEATLEY	ANTHONY	PAUL
WIGHT	ARDEN	L.
WIGHT	ROBERT	D.
WILCZEWSKI-CLAIRET	MARIA	
WILLIAMS	MICHAEL	CHRISTOPHER
WIPPEL	MICHAEL	
WITTE	FREDRIK	KARL
WOLFF	ILEANA	ANN
WONG	CHRISTINE	FONG FONG
WONG	CURTIS	ALLEN
WONG	DONNA	ELAINE
WOOLF	ANDREW	L.
WOOLF	MICHELLE	A.
WORKMAN	BARBARA	CAROL
WU	XIAOQING	
WURMBACH	ACHIM	JOHANNES
WUSSING	URSULA	
WUSSING	WILHELM	ALFRED R.
XIONG	YUJIE	
YANAGAWA	MUTSUKO	
YANG	HANSONG	
YANG	JIONG	

Last name	First name	Middle name/initials
YATES	JAMES	MICHAEL
YEE	JACQUELINE	CHI WAI
YEN	PAU	YONG
YONEKAWA	YOSHIOU	
YOSHIDA	SATORI	
YUNG	ISAAC	MING-SUN
YUNG	NGAN	HAU
ZENUK	TANYA	E.
ZHANG	HONGQING	
ZHANG	WEIYANG	T.
ZHANG	ZHEHUA	
ZHI	XUEYAN	
ZUNE	CATHERINE	ALINE MARIE

Dated: January 27, 2021.

Godofredo Burgos-Rodriguez,

Manager Classification Team 82413,
Examinations Operations—Philadelphia
Compliance Services.

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BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of a modified system of records notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (Treasury), Departmental Offices proposes to modify a system of records notice relating to the Treasury system of records titled, “Department of the Treasury, Departmental Offices .227—Committee on Foreign Investment in the United States (CFIUS) Case Management System.”

DATES: Written comments must be received by March 8, 2021. The modification will be applicable on March 8, 2021 unless Treasury receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: Written comments on this notice may be submitted electronically through the Federal government eRulemaking portal at <http://www.regulations.gov>. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables the Department of the Treasury (Treasury) to make the comments available to the public. Please note that comments submitted through <https://www.regulations.gov> will be public, and can be viewed by members of the public. Due to COVID-19-related restrictions, Treasury has temporarily

suspended its ability to receive public comments by mail.

In general, Treasury will post all comments to <https://www.regulations.gov> without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. All comments received, including attachments and other supporting material, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For questions about this notice and privacy issues, contact: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records at U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone: (202) 622-5710.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Department of the Treasury (Treasury), Departmental Offices proposes to modify a system of records notice, 85 FR 55354, relating to the Treasury system of records titled, “Department of the Treasury, Departmental Offices .227—Committee on Foreign Investment in the United States (CFIUS) Case Management System.” Treasury is (1) adding the authorities 44 U.S.C. 3101, and E.O. 9397 and 13478, and (2) replacing the authorities “85 FR 3112; 85 FR 3158; 85 FR 8747; 85 FR 45311” with “31 CFR part 800 (2019); 31 CFR parts 800-802 (2020), as amended”, to ensure that the public is aware of these additional authorities and to clarify the applicable regulatory authorities, even though the authorities are already publicly available in the United States Code, the **Federal Register**, and the Code of Federal Regulations.

As background, in 2007, the Foreign Investment and National Security Act of 2007 (FINSAs), Public Law 110-49, 121 Stat. 246, was enacted. FINSAs amended

section 721 of the Defense Production Act of 1950, as amended (Section 721), which delineates the authorities and jurisdiction of CFIUS. FINSAs codified aspects of the structure, role, process, and responsibilities of CFIUS and the role of executive branch departments, agencies, and offices in CFIUS’s review of transactions for national security concerns, and required the issuance of regulations implementing its provisions. Treasury published regulations codified at part 800 of title 31 of the Code of Federal Regulations (CFR) pursuant to a final rule 73 FR 70702 (November 21, 2008), which implemented provisions of FINSAs, and became effective as of December 22, 2008.

In 2018, the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA), Subtitle A of Title XII of Public Law 115-232, 132 Stat. 2173, was enacted, which further amended Section 721 by broadening the authorities of the President and CFIUS under Section 721 to review and take action to address any national security concerns arising from certain non-controlling investments and certain real estate transactions involving foreign persons. Following the enactment of FIRRMA, on October 11, 2018, Treasury published regulations in the form of an interim rule, which amended the CFIUS regulations codified at part 800 of title 31 of the CFR to implement, and make updates consistent with, certain provisions of FIRRMA that became immediately effective (October 2018 Interim Rule). See 83 FR 51316 (October 11, 2018). The October 2018 Interim Rule took effect on November 10, 2018. Treasury published a second interim rule codified at part 801 of title 31 of the CFR on October 11, 2018, pursuant to section 1727(c) of FIRRMA, setting forth the scope of, and procedures for, a pilot program to review certain transactions involving foreign persons and critical technologies (Pilot Program Interim Rule). See 83 FR 51322 (October 11, 2018). The Pilot Program Interim Rule,

which took effect on November 10, 2018, implemented jurisdiction over, and established mandatory declarations for, certain transactions involving investments by foreign persons in certain U.S. businesses that produce, design, test, manufacture, fabricate, or develop one or more critical technologies.

On January 17, 2020, Treasury published two additional rules to implement provisions of FIRRMA. See 85 FR 3112 (January 17, 2020); 85 FR 3158 (January 17, 2020). The rule at 85 FR 3112 amended CFIUS regulations codified at part 800 of title 31 of the CFR. These provisions specifically relate to CFIUS's authorities and the process and procedures to review: (1) A merger, acquisition or takeover by or with a foreign person that could result in foreign control of a U.S. business; (2) a non-controlling "other investment" that affords a foreign person specified access to information in the possession of, rights in, or involvement in the substantive decisionmaking of certain U.S. businesses related to critical technologies, critical infrastructure, or sensitive personal data; (3) any change in a foreign person's rights if such change could result in foreign control of a U.S. business or an "other investment" in certain U.S. businesses; or (4) any other transaction, transfer, agreement, or arrangement, the structure of which is designed or intended to circumvent the application of Section 721. The rule at 85 FR 3158 adds a part 802 to chapter VIII of title 31 of the CFR to implement FIRRMA's expansion of CFIUS's jurisdiction over transactions involving the purchase or lease by, or concession to, a foreign person of certain real estate in the United States. The rules at 85 FR 3112 and 85 FR 3158 took effect on February 13, 2020. The rule at 85 FR 3112 further clarified that the CFIUS regulations codified at part 801 of title 31 of the CFR will, going forward, apply only to transactions for which specified actions were taken on or after the effective date of the Pilot Program Interim Rule and prior to February 13, 2020, and that, subject to the applicability of the CFIUS regulations codified at part 801 of title 31 of the CFR, the CFIUS regulations codified at part 800 of title 31 of the CFR as in effect on February 12, 2020, which may be referred to as 31 CFR part 800 (2019), will, going forward, apply only to transactions for which specified actions were taken before February 13, 2020. Except as described in the preceding sentence, the CFIUS regulations codified at part 800 of title 31 of the CFR as amended by the rule

at 85 FR 3112, which may be referred to as 31 CFR part 800 (2020), apply from February 13, 2020. Subsequent amendments (85 FR 8747, 85 FR 45311 and 85 FR 57124) were made to the regulations codified at parts 800 and 802 of title 31 of the CFR in 2020 to make certain technical corrections, make a clarifying revision to the definition of "principal place of business," establish a fee for parties filing a formal written notice of a transaction for review by CFIUS, make amendments to the definition of "substantial interest" and a related provision, and modify the mandatory declaration provision for certain foreign investment transactions involving a U.S. business that produces, designs, tests, manufactures, fabricates, or develops one or more critical technologies. For clarity in light of the numerous **Federal Register** publications, and to incorporate all applicable regulations published in the **Federal Register**, the applicable regulatory authorities for this system of records will be described pursuant to this modification of the system of records notice as "31 CFR part 800 (2019); 31 CFR parts 800–802 (2020), as amended."

Pursuant to Section 721 and its implementing regulations, CFIUS assesses or reviews, and may subsequently investigate (in the case of a review), transactions that could result in foreign control of a U.S. business and certain non-controlling investments and certain real estate transaction involving foreign persons to determine the effects of such transactions on the national security of the United States. As part of CFIUS's national security processes, Treasury, as chair of CFIUS, disseminates information submitted by parties to the transaction and other available information to certain Executive Branch agencies. Among other things, CFIUS evaluates certain personal identifier information of individuals associated with the foreign person engaged in the transaction and certain parent entities (*e.g.*, for purposes of conducting background checks), which informs CFIUS's determination of the effects of a transaction on the national security of the United States. At times, this may include personal identifier information of U.S. nationals if a U.S. national is a board member or officer of, has an ownership interest in, or has another relevant role related to, an entity engaged in a transaction before CFIUS or its parent entities. CFIUS may also receive certain personal identifier information of a U.S. national who is involved in a transaction as an individual if, for example, such

individual is selling real estate in a transaction filed with CFIUS. In addition, CFIUS may collect personal identifier information for other purposes associated with its national security functions, including, for example, personal identifier information related to a security officer or other person who may be involved in mitigating a risk posed to national security. This system of records supports CFIUS's collection of transaction information for analysis in the performance of its assessments, reviews and investigations of transactions, and for other purposes associated with its national security functions.

Further, pursuant to section 3101 of title 44 of the United States Code, "[t]he head of each Federal agency must make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities." The system of records supports CFIUS in making and preserving records as required under 44 U.S.C. 3101, and, accordingly, this modification to the system of records notice adds 44 U.S.C. 3101 as an additional legal authority for the system of records.

The system may include records from other systems of records both within Treasury and in records provided by certain other Executive Branch agencies for the purpose of facilitating CFIUS's assessment, review and investigation of transactions. Such records may include social security numbers, names, and other identifying data provided by the Social Security Administration and utilized by CFIUS pursuant to, *inter alia*, Executive Order 9397 (November 22, 1943), as amended by Executive Order 13478, 73 FR 70239 (November 18, 2008), and, therefore, this modification to the system of records notice adds these Executive Orders as additional legal authorities for the system of records.

In maintaining its records, CFIUS is obligated to comply with its governing statute, and to the extent not inconsistent with that statute, generally applicable laws. Any records from another Treasury system of records or another Executive Branch agency's system of records for which an exemption is claimed under 5 U.S.C. 552a(j) or (k), which may also be included in this system of records, retains the same exempt status such records have in the system for which such exemption is claimed.

Additionally, pursuant to section 721(c) of the Defense Production Act of 1950, as amended, 50 U.S.C. 4565(c), and subject to certain exceptions provided therein, any information or documentary material filed with CFIUS under Section 721 is exempt from disclosure under the Freedom of Information Act, as amended (FOIA), 5 U.S.C. 552, and no such information or documentary material may be made public.

The related information collections have been submitted to the Office of Management and Budget (OMB) under control number 1505-0121.

Treasury has included this established system in its inventory of record systems. Below is the description of the Treasury, Departmental Offices .227—CFIUS Case Management System.

Treasury provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and

Governmental Affairs of the U.S. Senate, and the OMB, pursuant to 5 U.S.C. 552a(r) and OMB Circular A-108, “Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,” dated December 23, 2016.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .227—Committee on Foreign Investment in the United States (CFIUS) Case Management System.

SECURITY CLASSIFICATION:

Classified.

SYSTEM LOCATION:

Records are maintained at the Departmental Offices: 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SYSTEM MANAGER(S):

Departmental Offices:

a. Director of Business Operations, Office of International Affairs, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

b. Chief Information Officer, U.S. Department of the Treasury, 1750 Pennsylvania Avenue NW, Washington, DC 20220.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 4565; 44 U.S.C. 3101; 31 U.S.C. 321; 5 U.S.C. 301; E.O. 9397, 11858, 12333, 12968, 13478, and 13526, as amended; 31 CFR part 800 (2019); 31 CFR parts 800-802 (2020), as amended.

* * * * *

HISTORY:

85 FR 55354, September 4, 2020; 85 FR 58308, September 18, 2020.

[FR Doc. 2021-02262 Filed 2-3-21; 8:45 am]

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FEDERAL REGISTER

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February 4, 2021

Part II

The President

Proclamation 10144—Adjusting Imports of Aluminum Into the United States

Presidential Documents

Title 3—

Proclamation 10144 of February 1, 2021

The President

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. Proclamation 10139 of January 19, 2021 (Adjusting Imports of Aluminum Into the United States), amended Proclamation 9704 (Adjusting Imports of Aluminum Into the United States), as amended, with respect to tariffs on certain imports of aluminum articles proclaimed under section 232 of the Trade Expansion Act, as amended (19 U.S.C. 1862). Proclamation 10139 provides that those amendments will not take effect until 12:01 a.m. on February 3, 2021.

2. I consider it is necessary and appropriate in light of our national security interests to maintain, at this time, the tariff treatment applied to aluminum article imports from the United Arab Emirates (UAE) under Proclamation 9704, as amended, as they are currently in effect as of this date. Accordingly, and as provided for in clause (6) of Proclamation 10139, I am terminating the modifications contained in that proclamation before they take effect.

3. Proclamation 9704 applied tariffs to help ensure the economic viability of the domestic aluminum industry—an industry that the Secretary of Commerce had previously identified as essential to our critical industries and national defense. Because robust domestic aluminum production capacity is essential to meet our current and future national security needs, Proclamation 9704 aimed to revive idled aluminum facilities, open closed smelters and mills, preserve necessary skills, and maintain or increase domestic production by reducing United States reliance on foreign producers.

4. In my view, the available evidence indicates that imports from the UAE may still displace domestic production, and thereby threaten to impair our national security. Proclamation 9704 authorized the Secretary of Commerce to grant exclusions from the aluminum tariffs based on specific national security considerations or if specific imported aluminum articles were determined not to be produced sufficiently in the United States, such that the imports would not diminish domestic production. Tellingly, there have been 33 such exclusion requests for aluminum imported from the UAE, covering 587,007 metric tons of articles, and the Secretary of Commerce has denied 32 of those requests, covering 582,007 metric tons. This indicates the large degree of overlap between imports from the UAE and what our domestic industry is capable of producing.

5. Since the tariff on aluminum imports was imposed, such imports substantially decreased, including a 25 percent reduction from the UAE, and domestic aluminum production increased by 22 percent through 2019, before the coronavirus pandemic began. In light of that history, I believe that maintaining the tariff is likely to be more effective in protecting our national security than the untested quota described in Proclamation 10139.

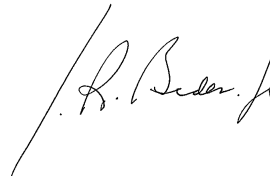
6. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of

the United States the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim that Proclamation 10139, including the Annex, is revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



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