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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC–2008–0122]

Criteria for Development of Evacuation Time Estimate Studies (NUREG/CR–7002, Revision 1)

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to NUREG/CR–7002, ''Criteria for Development of Evacuation Time Estimate Studies.'' This revised NUREG provides guidance to meet NRC requirements for development of evacuation time estimates (ETEs) to support emergency planning. This revision reflects the importance of various ETE model parameters based on the results of an applied research study on ETEs. The format and criteria provided in this document will support consistent application of the ETE methodology and will facilitate consistent NRC review of ETE studies.

DATES: NUREG/CR–7002, Revision 1 is available on February 9, 2021.

ADDRESSES: Please refer to Docket ID NRC–2008–0122 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2008–0122. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* NUREG/CR–7002, Rev. 1, ''Criteria for Development of Evacuation Time Estimate Studies'' is available in ADAMS under Accession No. ML21013A504.
- *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.

FOR FURTHER INFORMATION CONTACT: Todd Smith, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–3744, email: *Todd.Smith@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

The ETE is a calculation of the time to evacuate the plume exposure pathway emergency planning zone (EPZ), an area around a nuclear power plant for which planning is needed to ensure that prompt and effective actions can be taken in the event of a radiological emergency. The ETE is primarily used to inform protective action strategies within the EPZ and may be used to assist in the development of traffic management plans to support an evacuation. In November 2011, the NRC issued NUREG/CR–7002, ''Criteria for Development of Evacuation Time Estimate Studies'' (ADAMS Accession No. ML113010515), as guidance to support compliance with ETE provisions added to the NRC's regulations in title 10 of the *Code of Federal Regulations,* part 50, appendix E, section IV, in a final rule issued on November 23, 2011 (76 FR 72560). The initial release of this guidance was based on previous advancements in the development of ETE modeling and knowledge gained through research of large scale evacuations and staged evacuations.

The revised NUREG/CR–7002 is based on an applied research study to examine, through modeling and simulation, technical subjects associated with the use of traffic simulation models for ETE studies, documented in NUREG/CR–7269, ''Enhancing Guidance for Evacuation Time Estimate Studies'' (ADAMS Accession No. ML20070M158). Specific areas of research included the impact of shadow evacuations, evacuation model boundary conditions, the use of manual traffic control, and the sensitivity of various model parameters important to ETE studies. The study provided a technical basis for revisions to NUREG/CR–7002 to reflect current practices in transportation modeling and an enhanced understanding of evacuation dynamics. The NRC's intent in revising NUREG/CR–7002 is to ensure consistency in the development and review of ETE studies.

II. Additional Information

Following development of the revised guidance, the NRC posted the draft NUREG/CR–7002, Rev. 1 to the Federal Rulemaking website at *https://www.regulations.gov* for a 45-day public comment period (85 FR 52930; August 27, 2020). The NRC held a public meeting on September 16, 2020, to discuss the scope of the proposed revisions. The comment period closed on October 13, 2020. In total, the NRC received, reviewed, and considered 10 comments during the development of this revision. Of the 10 comments, 7 were accepted (*i.e.,* the NRC revised the draft guidance exactly as recommended), 2 were agreed to in part, and 1 comment was rejected. In all, nine comments resulted in revisions to the draft guidance. A detailed report on the comment resolutions, including the agency's rationales for each comment's disposition, will be available for review in ADAMS under Accession No. ML21007A043 and at *https://www.regulations.gov/,* under Docket ID NRC–2008–0122, within 30 days after issuance of the final NUREG/CR–7002, Rev. 1. Additionally, in response to EPFAQ 2020–01 (ADAMS Accession No. ML20206L127), the NRC revised the draft guidance to clearly define the decennial period as it applies to the ETE updates required by 10 CFR part 50, appendix E, sections IV.5 and IV.6.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of NUREG/CR–7002, Rev. 1 does not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants''; or constitute forward fitting as defined in MD 8.4, because, as explained in NUREG/CR–7002, Rev. 1, licensees are not required to comply with the positions set forth in that document.

IV. Paperwork Reduction Act

NUREG/CR–7002, Rev. 1, does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval numbers 3150–0011 and 3150–0151.

V. Congressional Review Act

The NUREG/CR–7002, Rev. 1, is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated: February 3, 2021.

For the Nuclear Regulatory Commission.

Mark D. Lombard,

Deputy Director, Office of Nuclear Security and Incident Response.

[FR Doc. 2021–02584 Filed 2–8–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release No. 33–10876A; 34–90210A; FR–88A; IA–5613A; IC–34052A; File No. S7–26–19]

RIN 3235–AM63

Qualifications of Accountants

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: This document makes technical corrections to amendments to update certain auditor independence requirements adopted in Release No. 33–10876 (October 16, 2020) (''Adopting Release''), which was published in the **Federal Register** on December 11, 2020.

DATES: Effective June 9, 2021.

FOR FURTHER INFORMATION CONTACT: Peggy Kim, Senior Special Counsel, Office of the Chief Accountant, at (202) 551–5300, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: We are making technical amendments to correct § 210.2–01. Specifically, this document amends Instruction 2 published in the Adopting Release. Instruction 2.c is amended to correct a citation to § 210.2–01.

In document FR doc. 2020–23364, which was published in the **Federal Register** on Friday, December 11, 2020, at 85 FR 80508, the following correction is made:

§ 210.2–01 [Corrected]

■ 1. On page 80541, in the first column, under ''§ 210.2–01'' in Instruction 2.c, ''Revising paragraphs (c)(1)(ii)(A) introductory text'' is corrected to read ''Revising paragraph (c)(1)(ii)(A)(*1*) introductory text.''

Dated: February 4, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–02615 Filed 2–8–21; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 702

RIN 1240–AA13

Longshore and Harbor Workers' Compensation Act: Electronic Filing, Settlement, and Civil Money Penalty Procedures

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Withdrawal of direct final rule.

SUMMARY: On December 14, 2020, the Office of Workers' Compensation Programs (OWCP) published a direct final rule in the **Federal Register** revising regulations governing electronic filing and settlements, and establishing new procedures for assessing and adjudicating penalties under the Longshore and Harbor Workers' Compensation Act (LHWCA). Consistent with the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' OWCP is withdrawing the direct final rule.

DATES: Effective February 9, 2021, the direct final rule published at 85 FR 80601 on December 14, 2020, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Antonio Rios, Director, Division of Federal Employees', Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, (202)–693–0040, *rios.antonio@dol.gov.* TTY/TDD callers may dial toll free 1–877–889–5627 for further information.

SUPPLEMENTARY INFORMATION: On December 14, 2020, OWCP published a direct final rule entitled *Longshore and Harbor Workers' Compensation Act: Electronic Filing, Settlement, and Civil Money Penalty Procedures,* 85 FR 80601. This rule would revise the LHWCA regulations governing electronic filing and settlements, and establish new procedures for assessing and adjudicating penalties under the LHWCA. The comment period for the rule expires on February 12, 2021, and the rule will become effective March 15, 2021, unless OWCP withdraws it prior to then. OWCP stated that it would withdraw the rule if it received significant adverse public comment on either the direct final rule or a simultaneously published companion notice of proposed rulemaking. *See* 85 FR 80698 (Dec. 14, 2020).

A new administration assumed office on January 20, 2021. On that same date, the Assistant to the President and Chief of Staff issued a memorandum entitled ''Regulatory Freeze Pending Review'' to the Heads of Executive Departments and Agencies. 86 FR 7424 (Jan. 28, 2021). The purpose of the memorandum was ''to ensure that the President's appointees or designees have the opportunity to review any new or pending rules.'' *Id.* The memorandum directs agencies to consider pausing or delaying certain regulatory actions for the purpose of reviewing questions of fact, law, and policy raised therein. OWCP believes that the most efficient way to implement the memorandum in this instance is to withdraw the rule rather than delay the effective date. The comment period is still open and if OWCP receives any significant adverse comment, it would have to withdraw the rule anyway. Withdrawing the rule will also give the new administration time to review the rule and consider the policies it implements. OWCP is simultaneously withdrawing the companion notice of proposed rulemaking. OWCP intends to offer the

public an opportunity to comment on the topics addressed at a later time.

■ Accordingly, the final rule amending 20 CFR part 702 published in the **Federal Register** on December 14, 2020 (85 FR 80601) are withdrawn as of February 9, 2021.

Christopher J. Godfrey,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2021–02723 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Office of the Secretary of Labor

29 CFR Part 22

Occupational Safety and Health Administration

29 CFR Part 1986

RIN 1290–AA28

Rules of Practice and Procedure Concerning Filing and Service and Amended Rules Concerning Filing and Service; Correction

AGENCY: Employment and Training Administration, Office of Workers' Compensation Programs, Office of the Secretary, Office of Labor-Management Standards, Wage and Hour Division, Occupational Safety and Health Administration, Office of Federal Contract Compliance Programs.

ACTION: Direct final rule; correction.

SUMMARY: The Department of Labor (Department or DOL) is correcting a direct final rule that appeared in the **Federal Register** on January 11, 2021, ''Rules of Practice and Procedure Concerning Filing and Service and Amended Rules Concerning Filing and Service.'' The companion proposed rule to the final rule was published in the same issue of the **Federal Register**. The final rule required electronic filing (e-filing) and made acceptance of electronic service (e-service) automatic for attorneys and non-attorney representatives representing parties in proceedings before the Administrative Review Board, unless the Board authorized non-electronic filing and service for good cause. Among other changes, the final rule was intended to revise several sections of the Code of Federal Regulations. However, the final rule as published inadvertently omitted amendatory instructions to revise two section headings, despite providing revised language for those headings. This document provides the omitted amendatory instructions to ensure that these two section headings are revised as written in the final rule.

DATES: This correction is effective on February 25, 2021, unless the Department receives a significant adverse comment to the underlying direct final rule or its companion proposed rule by February 10, 2021 that explains why the rule is inappropriate.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at 202–693–6319 or *Shepherd.Thomas@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL is making the following corrections to the final rule, as published in the **Federal Register** on Monday, January 11, 2021 (86 FR 1772).

DOL is adding amendatory instructions to change the section headings of two sections of the Code of Federal Regulations.

At 86 FR 1781, third column, 29 CFR part 22, amendatory instruction 43 revised § 22.39, paragraphs (a), (b)(3), (c), (f), and (h) through (l). The text of § 22.39 as written in the final rule also included a revised section heading; however, amendatory instruction 43 did not specify that the section heading should be revised in addition to the text of the above-listed paragraphs. In this action, amendatory instruction 43 is corrected to clarify that the section heading of § 22.39 should be revised as well. Amendatory instruction 43 is corrected to read: ''43. In § 22.39, revise the section heading and paragraphs (a), (b)(3), (c), (f), and (h) through (l) to read as follows:''. The section heading is being revised to read ''Appeal to ARB'' instead of ''Appeal to authority head.'' This change is in keeping with the Department's clearly expressed intent in the preamble of the final rule to revise references in the regulations to an ''authority head'' to references to the ''ARB'' in order to clarify the responsibilities of the Administrative Review Board.

At 86 FR 1793, third column, 29 CFR part 1986, amendatory instruction 133 revised § 1986.110, paragraph (c). The text of § 1986.110 as written in the final rule also included a revised section heading; however, amendatory instruction 133 did not specify that the section heading should be revised in addition to the text of paragraph (c). In this action, amendatory instruction 133 is corrected to clarify that the section heading of § 1986.110 should be revised, as well. Amendatory instruction 133 is corrected to read: ''133. In § 1986.110, revise the section heading and paragraph (c) to read as follows:''. The section heading is being revised to read ''Decision and orders of the Administrative Review Board'' instead of ''Decisions and order of the Administrative Review Board.'' The change to § 1986.110 is intended to make the section heading consistent with other similar section headings in the chapter of Title 29 that are titled ''Decision and orders of the Administrative Review Board.''

Federal Register Correction

In the final rule published at 86 FR 1772 in the issue of January 11, 2021, the following corrections are made:

PART 22—PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

§ 22.39 [Corrected]

■ 1. On page 1781, in the third column, correct amendatory instruction 43 to read: ''43. In § 22.39, revise the section heading and paragraphs (a), (b)(3), (c), (f), and (h) through (l) to read as follows:''.

PART 1986—PROCEDURES FOR THE HANDLING OF RETALIATION COMPLAINTS UNDER THE EMPLOYEE PROTECTION PROVISION OF THE SEAMAN'S PROTECTION ACT (SPA), AS AMENDED

§ 1986.110 [Corrected]

■ 2. On page 1793, in the third column, correct amendatory instruction 133 to read: ''133. In § 1986.110, revise the section heading and paragraph (c) to read as follows:''.

Dated: February 3, 2021.

Milton A. Stewart,

Acting Secretary of Labor.

[FR Doc. 2021–02564 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–HW–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0036]

RIN 1625–AA00

Safety Zone; Lower Mississippi River, Mile Markers 330.0–360.0, MS

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary fixed and moving safety zone for all navigable waters within 300 yards of the U.S. Army Corps of Engineers (USACE) Bank

Grading Units and USACE Mat Sinking Unit while operating on the Lower Mississippi River, in the vicinity of Moreville revetment, MS. The safety zone is needed to protect persons and property, from the potential safety hazards associated with the bank grading and mat sinking operations performed by the USACE. Entry of persons or vessels into this zone is prohibited unless authorized by the Captain of the Port Sector Lower Mississippi River or a designated representative.

DATES: This rule is effective without actual notice from February 9, 2021 until March 15, 2021. For the purposes of enforcement, actual notice will be used from February 8, 2021 until February 9, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0036 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 MSTC Lindsey Swindle, U.S. Coast Guard; telephone 901–521–4813, email *Lindsey.M.Swindle@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Lower Mississippi River
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 it is impracticable. Immediate action is needed to protect persons and property from the potential safety hazards associated with the bank grading and mat sinking operations performed by the USACE on the Lower Mississippi River (LMR). The NPRM process would delay the establishment of the safety zone until after the date of the event and compromise public safety. We must establish this temporary safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the the bank grading and mat sinking operations performed by the USACE.

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 Sector Lower Mississippi River (COTP) has determined that potential hazards associated with the bank grading and mat sinking operations will be a safety concern for anyone within a 300 yard radius of USACE equipment. This rule is needed to protect persons and property, within the safety zone while USACE operations are being conducted.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from February 8, 2021 through March 15, 2021. The safety zone will cover all navigable waters of the LMR from mile marker (MM) 330.0 to MM 360.0. The duration of this safety zone is intended to ensure the safety of waterway users on these navigable waters during USACE operations.

Entry of persons or vessels into this safety zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River. Persons or vessels seeking to enter the safety zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 901–521–4822. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

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. 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).

This regulatory action determination is based on the size, location, and duration of the safety zone. This emergency safety zone will temporarily restrict navigation on the LMR from MM 330 through MM 360, from February 8, 2021 through March 15, 2021. Moreover, the Coast Guard will issue Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate. The rule allows 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 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 temporary 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.

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 temporary emergency safety zone on the LMR from MM 330 through MM 360, that will prohibit entry into this zone. The safety zone will only be enforced while operations preclude the safe navigation of the established channel. It is categorically excluded from further review under paragraph L60 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.T08–0036 to read as follows:

§ 165.T08–0036 Safety Zone; Lower Mississippi River, Mile Markers 330.0–360.0, MS.

(a) *Location.* The following area is a safety zone: All navigable waters of the Lower Mississippi River from Mile Marker (MM) 330 through MM 360.

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Lower Mississippi River (COTP) or the COTP's designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Lower Mississippi River.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16 or by telephone at 901–521–4822. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Effective period.* This section is effective without actual notice from February 9, 2021 until March 15, 2021. For the purposes of enforcement, actual notice will be used from February 8, 2021 until February 9, 2021.

(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: February 1, 2021.

R.S. Rhodes,

Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.

[FR Doc. 2021–02436 Filed 2–8–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0288; FRL–10016–56–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Harrisburg-Lebanon-Carlisle Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state

implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Harrisburg-Lebanon-Carlisle Area. EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on March 11, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0288. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Keila M. Pagán-Incle, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2926. Ms. Pagán-Incle can also be reached via electronic mail at *pagan-incle.keila@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 3, 2020 (85 FR 54954), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA proposed approval of Pennsylvania's plan for maintaining the 1997 ozone NAAQS in the Harrisburg-Lebanon-Carlisle Area through July 25, 2027, in accordance with CAA section 175A. The formal SIP revision was submitted by PADEP on February 27, 2020.

II. Summary of SIP Revision and EPA Analysis

On July 25, 2007 (72 FR 40749 effective July 25, 2007), EPA approved a redesignation request (and maintenance plan) from PADEP for the Harrisburg-Lebanon-Carlisle Area. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years, and in *South Coast Air Quality Management District* v. *EPA,*[1] the D.C. Circuit held that this requirement cannot be waived for areas, like the Harrisburg-Lebanon-Carlisle Area, that had been redesignated to attainment for the 1997 8-hour ozone NAAQS prior to revocation and that were designated attainment for the 2008 ozone NAAQS.

CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.[2] PADEP's February 27, 2020 submittal fulfills Pennsylvania's obligation to submit a second maintenance plan and addresses each of the five necessary elements.

As discussed in the September 3, 2020 NPRM, EPA allows the submittal of a less rigorous, limited maintenance plan (LMP) to meet the CAA section 175A requirements by demonstrating that the area's design value[3] is well below the NAAQS and that the historical stability of the area's air quality levels shows that the area is unlikely to violate the NAAQS in the future. EPA evaluated PADEP's February 27, 2020 submittal for consistency with all applicable EPA guidance and CAA requirements. EPA found that the submittal met CAA section 175A and all CAA requirements, and proposed approval of the LMP for the Harrisburg-Lebanon-Carlisle Area as a revision to the Pennsylvania SIP. The effect of this action makes certain commitments related to the maintenance of the 1997 ozone NAAQS Federally enforceable as part of the Pennsylvania SIP.

Subsequent to the publication of the September 3, 2020 NPRM, EPA discovered a minor computational error in the data presented in Table 1: ''Typical Summer Day NO_X and VOC Emissions for the Harrisburg-Lebanon-Carlisle Area.'' While the data are correct, the total NO_X emissions were summed incorrectly in Table 1. The correct total is 73.13 tons/day, not 81.03 tons/day as presented in the table. See 85 FR 54954. However, since the actual data are correct, and since the incorrect total over-reports rather than under-reports the emissions, EPA believes this to be a harmless error which does not impact the rationale in the NPRM for our approval of Pennsylvania's submittal. Other specific requirements of PADEP's February 27, 2020 submittal and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received one comment which was not relevant to this action or to air quality.

IV. Final Action

EPA is approving the 1997 8-hour ozone NAAQS limited maintenance plan for the Harrisburg-Lebanon-Carlisle Area as a revision to the Pennsylvania SIP.

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866;
- Does not impose an information collection burden under the provisions

[1] 882 F.3d 1138 (D.C. Cir. 2018).

[2] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni Memo).

[3] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to Pennsylvania's limited maintenance plan for the Harrisburg-Lebanon-Carlisle Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for ''1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Harrisburg-Lebanon-Carlisle Area'' at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	* *	*	* *	*
1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Harrisburg-Lebanon-Carlisle Area.	Harrisburg-Lebanon-Carlisle Area.	2/27/2020	2/9/2021, [insert **Federal Register** citation].	

* * * * *

[FR Doc. 2021–02556 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0355; FRL–10016–55–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Johnstown Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Johnstown, Pennsylvania area (Johnstown Area).

EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on March 11, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0355. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Keila M. Pagán-Incle, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2926. Ms. Pagán-Incle can also be reached via electronic mail at *pagan-incle.keila@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 16, 2020 (85 FR 57810), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA proposed approval of Pennsylvania's plan for maintaining the 1997 ozone NAAQS in the Johnstown Area through August 1, 2027, in accordance with CAA section 175A. The formal SIP revision was submitted by PADEP on February 27, 2020.

II. Summary of SIP Revision and EPA Analysis

On August 1, 2007 (72 FR 41903), EPA approved a redesignation request (and maintenance plan) from PADEP for the Johnstown Area. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years, and in *South Coast Air Quality Management District* v. *EPA* [1] the D.C. Circuit held that this requirement cannot be waived for areas, like Johnstown, that had been redesignated to attainment for the 1997 8-hour ozone NAAQS prior to revocation and that were designated attainment for the 2008 ozone NAAQS. CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.[2] PADEP's February 27, 2020 submittal fulfills Pennsylvania's obligation to submit a second maintenance plan and addresses each of the five necessary elements.

As discussed in the September 16, 2020 NPRM, EPA allows the submittal of a less rigorous, limited maintenance plan (LMP) to meet the CAA section 175A requirements by demonstrating that the area's design value [3] is well below the NAAQS and that the historical stability of the area's air quality levels shows that the area is unlikely to violate the NAAQS in the future. EPA evaluated PADEP's February 27, 2020 submittal for consistency with all applicable EPA guidance and CAA requirements. EPA found that the submittal met CAA section 175A and all CAA requirements, and proposed approval of the LMP for the Johnstown Area as a revision to the Pennsylvania SIP. The effect of this action makes certain commitments related to the maintenance of the 1997 ozone NAAQS Federally enforceable as part of the Pennsylvania SIP. Other specific requirements of PADEP's February 27, 2020 submittal and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received one comment in support of this action.

IV. Final Action

EPA is approving the 1997 8-hour ozone NAAQS limited maintenance plan for the Johnstown Area as a revision to the Pennsylvania SIP.

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human

[1] 882 F.3d 1138 (D.C. Cir. 2018).

[2] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni Memo).

[3] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to Pennsylvania's limited maintenance plan for the Johnstown Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for ''1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Johnstown Area'' at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Johnstown Area.	Johnstown Area	2/27/2020	2/9/2021, [insert **Federal Register** citation].	

* * * * *

[FR Doc. 2021–02559 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2019–0695; FRL–10018–99–Region 1]

Air Plan Approval; Massachusetts; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) submission by the Commonwealth of Massachusetts. Except as noted below, this submission satisfies the infrastructure requirements of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. We are issuing a finding of failure to submit pertaining to the various aspects of infrastructure SIPs relating to the prevention of significant deterioration (PSD). The Commonwealth has long been subject to a Federal Implementation Plan (FIP) regarding PSD, thus the finding of failure to submit will result in no sanctions or further FIP requirements. In this action we do not address CAA section 110(a)(2)(D)(i)(I) requirements regarding interstate transport, because we previously approved the Commonwealth's submission addressing these requirements for the 2015 ozone standard. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on March 11, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2019–0695. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR**

FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Eric Rackauskas, Air Quality Branch, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. 617–918–1628, email *rackauskas.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On March 13, 2020, EPA published a notice of proposed rulemaking (NPRM) (85 FR 14605) proposing to approve and a direct final rule (DFR) (85 FR 14578) approving a SIP submission from the Commonwealth of Massachusetts to address the infrastructure requirements of the Clean Air Act for the 2015 ozone NAAQS. When EPA promulgates a new or revised NAAQS, each state must submit a SIP submission, known as an ''infrastructure SIP'', in order to ensure that the state's SIP provides for implementation, maintenance, and enforcement of the new or revised NAAQS. The Massachusetts Department of Environmental Protection (MassDEP) submitted the infrastructure SIP submission to EPA as a formal SIP submission on September 27, 2018. In the DFR, EPA stated that, if it received an adverse comment on the direct final proposal by April 13, 2020, then the agency would withdraw that direct final and issue a final rule based on the NPRM. EPA received one adverse comment prior to the close of the comment period. Therefore, EPA withdrew the DFR on May 12, 2020 (85 FR 27927). This action is a final rule based on the NPRM.

A detailed discussion of the Massachusetts September 27, 2018, infrastructure SIP submission, and EPA's rationale for proposing approval of the SIP submission appear in the DFR and we will not restate that here, except to the extent relevant to our response to the public comment on the proposal. EPA also received two requests to extend the public comment period for the NPRM until after the COVID–19 pandemic is over. EPA is denying these extension requests, and the reasons for this denial can be found in the docket for this rulemaking.

II. Response to Comment

EPA received one adverse comment on the March 13, 2020, notice of proposed rulemaking.

Comment: ''EPA is also approving the state's SIP as having adequate resources, how was EPA able to identify whether the state had adequate resources before the COVID–19 outbreak and how can the outbreak not affect the state's ability to continue having adequate resources? And how is EPA sure the state has adequate enforcement abilities to carry out its mission to protect environmental and human health after Trump's EPA issued a BLANKET waiver to all environmental rules??? EPA can't possibly think a state is able to enforce the state's rules in addition to EPA's rules that Trump has declined to persecute [sic]. EPA can't approve the state's ability to have adequate resources or adequate funding or adequate enforcement if EPA's review is predicated on the belief of pre-COVID–19 conditions will continue now.''

Response: The comment provides little detail, but it appears to raise three general issues. First, it asks how EPA was ''able to identify whether the state had adequate resources'' before the COVID–19 pandemic. Second, it questions any conclusion that Massachusetts has ''adequate resources'' and ''adequate enforcement abilities'' in light of the pandemic. And third, it asks how EPA can be sure that Massachusetts has ''adequate enforcement abilities'' in light of what the comment refers to as an EPA-issued ''BLANKET waiver to all environmental rules.'' On the third issue, the comment does not specifically identify an EPA ''waiver,'' but EPA assumes the commenter refers to EPA's March 26, 2020, memorandum entitled ''COVID–19 Implications for EPA's Enforcement and Compliance Assurance Program'' (hereinafter, ''March 2020 memorandum'' or ''EPA Enforcement Memo''). The comment does not identify a particular section (or sections) of the Clean Air Act that it believes Massachusetts failed to satisfy but it is reasonable to assume that the commenter is referring to the requirements of sections 110(a)(2)(C) (pertaining to enforcement) and section 110(a)(2)(E) (pertaining to state resources).

As an initial matter, the purpose of an infrastructure SIP submission is to demonstrate that the state's SIP contains the basic program elements needed to implement, maintain, and enforce the particular NAAQS at issue, in this case, the 2015 ozone NAAQS. If the current SIP fails to satisfy these basic program elements then the state should revise the existing SIP so that EPA may evaluate these elements and approve them into the SIP, as appropriate. A SIP is generally comprised of state regulations, statutes and other documents used by the state that the EPA has approved as meeting applicable CAA requirements. In the context of acting on infrastructure SIP submissions, EPA evaluates the state's SIP submission to determine whether the submission meets the applicable statutory requirements of CAA sections 110(a)(1) and 110(a)(2) and the appropriate regulatory requirements. EPA is not evaluating the state's implementation of its SIP in this action. *See Montana Envtl. Info. Ctr.* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018). EPA has other authority to address issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

EPA disagrees that it should disapprove the infrastructure SIP submission for the ''enforcement'' sub-element of CAA section110(a)(2)(C), the ''adequate resources'' requirement in CAA section 110(a)(2)(E)(i), or both. Section 110(a)(2)(E)(i) of the Act requires each SIP to provide ''necessary assurances that the State . . . will have adequate personnel, funding, and authority under State . . . law to carry out such implementation plan.'' Thus, under this section, EPA evaluates a state's infrastructure SIP submission for evidence that the state has provided necessary assurances that it has adequate resources to carry out the SIP. Element E does not require the EPA to conduct an audit of state resources or personnel. Nevertheless, upon receiving this comment, EPA requested supplemental information from MassDEP to provide more detail about Department staff and resources. In this supplemental document, MassDEP states, ''MassDEP resources to implement the SIP include staff and managers in the Bureau of Air and Waste (BAW), including the Division of Air and Climate Programs in MassDEP's Boston office (approximately 29 staff), the Air Assessment Branch based in MassDEP's Wall Experiment Station laboratory in Lawrence (approximately 23 staff), and the permitting and compliance and enforcement (C&E) units in each of the four MassDEP regional offices (approximately 55 staff).'' MassDEP further notes that these numbers do not include additional staff in the separate legal, research, and information technology units that also

support the Commonwealth's efforts carrying out the SIP.

MassDEP staff and operations are funded by the Commonwealth and through EPA grants, including annual funding through CAA sections 103 and 105 to assist with the costs of implementing programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards. Massachusetts also has an EPA-approved fee program under CAA title V which is used to support title V program elements such as permitting, monitoring, testing, inspections, and enforcement. MassDEP's budget has been consistent over the past number of years and over these years Massachusetts has been able to meet its statutory commitments under the Act.[1] MassDEP also reports that ''There are no plans that would significantly alter these resources in the 5-year period following submission of the Certification or beyond and therefore MassDEP expects to have adequate resources to implement the SIP in the future.'' The full supplemental submission from MassDEP can be found in the docket for this rulemaking.

EPA explained in the DFR that Massachusetts' infrastructure SIP submission documented that its air agency, MassDEP, has the requisite authority and resources to carry out its SIP obligations. In particular, Massachusetts General Laws c. 111, sections 142A to 142N, provide MassDEP with the authority to carry out the state's implementation plan. The Massachusetts SIP, as originally submitted in 1971 and subsequently amended, provides descriptions of the staffing and funding necessary to carry out the plan. In the original and supplemental submissions MassDEP has provided an adequate description of its resources to allow EPA to assess that MassDEP has adequate personnel and funding to carry out the SIP during the five years following infrastructure SIP submission and in future years. Thus, with respect to the first issue raised by the comment, EPA finds that MassDEP has provided an adequate description of its staffing resources and that this information, when considered together with the budget information, is sufficient for EPA to conclude that the Commonwealth has adequate personnel, funding, and authority under State law to meet its SIP obligations sufficient to justify approval of the SIP submittal for section 110(a)(2)(E)(i).

With respect to the second issue, the commenter expresses concern that the impacts of the ongoing COVID 19 pandemic can only result in the Commonwealth having inadequate resources to meet its SIP obligations. As explained above, MassDEP provides assurances in the infrastructure SIP submission and supplemental document that it has adequate personnel and funding to carry out the SIP during the five years following the submission and in future years. We also note that the Massachusetts' Governor's 2021 budget recommendation proposes a similar level of funding for MassDEP as it has received in recent years.[2] Moreover, the Commonwealth receives federal grants under CAA sections 103 and 105 to assist it in carrying out the SIP, and other funding sources include permit fees and title V fees collected by MassDEP. If the Commonwealth's implementation of its SIP is substantially affected in the future by the pandemic, EPA has the statutory authority under the CAA to address such issues through means other than disapproving the infrastructure SIP submission at this time. Based on the original SIP submission and supplemental information, EPA finds that MassDEP has provided necessary information for EPA to conclude that MassDEP has and will continue to have adequate personnel and funding to carry out the SIP. For these reasons, EPA does not agree that it must disapprove the infrastructure SIP submission for section 110(a)(2)(E)(i) in light of the pandemic.

Also, with respect to the second issue raised, the comment also expresses concern that the Commonwealth will not have ''adequate enforcement abilities'' in light of the pandemic. While the commenter does not identify any particular infrastructure SIP requirement with this claim, it is possible that the commenter may be objecting to EPA's approval of the ISIP submittal for the enforcement sub-element of section 110(a)(2)(C). This sub-element requires that each state's SIP ''include a program to provide for the enforcement of'' the emission limits and control measures that the state air agency identified in its submission for purposes of satisfying 110(a)(2)(A). In the DFR, EPA explained that the Massachusetts SIP includes such a program. In particular, EPA noted specific provisions of state law that authorize MassDEP to adopt regulations to control air pollution, to enforce such regulations and to assess penalties for non-compliance. EPA also highlighted state regulations currently in the SIP. Thus, EPA explained that the SIP includes a program to provide for the enforcement of SIP measures. EPA acknowledges the COVID–19 pandemic has the potential to impact the resources available to the state to maintain its program; however, proposed level funding for FY2021 indicates that MADEP will maintain their current program capability. EPA also notes that The Commonwealth has been a leader among all states in being proactive to address air quality concerns. Nevertheless, if an actual resources problem were to develop, EPA has the statutory authority to address such issues through means other than disapproving the infrastructure SIP submission at this time.

Finally, the commenter expresses concern that Massachusetts does not have ''adequate enforcement abilities'' in light of what the commenter characterizes as a ''blanket waiver'' by EPA of environmental rules. EPA does not agree that the March 2020 memorandum is a ''blanket waiver,''[3] but in any event the memorandum applies to EPA's own enforcement activities, not a state's. *See* EPA Enforcement Memo at 1–2 (''Authorized states or tribes may take a different approach under their own authorities.''). Therefore, it does not affect whether Massachusetts has ''adequate enforcement abilities'' and does not affect Massachusetts' ''program to provide for the enforcement of'' SIP measures. Furthermore, on August 31, 2020, EPA terminated the temporary policy described in the March 2020 memorandum. *See COVID–19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination,* EPA (June 29, 2020). For these reasons, the March 2020 memorandum is not a reason to disapprove the Massachusetts' ISIP submittal for the enforcement sub-element in section 110(a)(2)(C).

For the above reasons, EPA concludes that the comment does not justify disapproving the Commonwealth's infrastructure SIP submittal for the 2015 ozone NAAQS for compliance with the requirements of CAA sections 110(a)(2)(C) or (E)(i).

[1] *https://budget.digital.mass.gov/summary/fy20/enacted/energy-and-environmental-affairs/environmental-protection/?tab=historical-spending.*

[2] *https://budget.digital.mass.gov/govbudget/fy21/appropriations/energy-and-environmental-affairs/environmental-protection?tab=budget-summary.*

[3] For instance, the memorandum does not apply to criminal violations, imports, or activities that are carried out under Superfund and RCRA Corrective Action enforcement instruments. EPA Enforcement Memo at 2. Moreover, the enforcement discretion set forth in the memorandum is temporary and is conditioned on regulated entities making every effort to comply with their environmental compliance obligations. *Id.*

III. Final Action

EPA is approving most portions of the Massachusetts infrastructure SIP submission for the 2015 ozone NAAQS. We are also issuing a finding of failure to submit pertaining to the various infrastructure SIP requirements that pertain to the prevention of significant deterioration (PSD) program, *i.e.,* section 110(a)(2)(C) sub-element 2, the PSD portion of Sub-Element 2: Section 110(a)(2)(D)(i)(II)—PSD (Prong 3), section 110(a)(2)(D)(ii) with respect to the PSD-related notice of interstate pollution, section 110(a)(2)(J) sub-element 1 with respect to the FLM consultation requirement for PSD permitting, and section 110(a)(2)(J) sub-element 3 (PSD). The Commonwealth has long been subject to a Federal Implementation Plan (FIP) regarding PSD, thus the finding of failure to submit will result in no mandatory sanctions or further FIP requirements. This rulemaking also does not include any action on the interstate transport portion of the Commonwealth's infrastructure SIP submission for the 2015 Ozone NAAQS, *i.e.,* section 110(a)(2)(D). This action is being taken in accordance with the Clean Air Act.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart W—Massachusetts

■ 2. In § 52.1120(e), amend the table by adding an entry for ''Infrastructure SIP submittal for 2015 Ozone NAAQS'' at the end of the table to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(e) * * *

MASSACHUSETTS NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date [3]	Explanations
*	*	*	*	*
Infrastructure SIP submittal for 2015 Ozone NAAQS.	Statewide	September 27, 2018	February 9, 2021, [Insert **Federal Register** citation].	Approved with respect to requirements for CAA section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) with the exception of the PSD-related requirements of (C), (D), and (J).

[3] To determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2021–02536 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0332; FRL–10017–26–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) Second Maintenance Plan for the Altoona (Blair County) Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Altoona, Blair County, Pennsylvania area (Altoona Area). EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on March 11, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0332. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: David Talley, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2117. Mr. Talley can also be reached via electronic mail at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 3, 2020 (85 FR 54947), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA proposed approval of Pennsylvania's plan for maintaining the 1997 ozone NAAQS in the Altoona Area through August 1, 2027, in accordance with CAA section 175A. The formal SIP revision was submitted by PADEP on February 27, 2020.

II. Summary of SIP Revision and EPA Analysis

On August 1, 2007 (72 FR 41906 effective August 1, 2007), EPA approved a redesignation request (and maintenance plan) from PADEP for the Altoona Area. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years, and in *South Coast Air Quality Management District* v. *EPA*,[1] the D.C. Circuit held that this requirement cannot be waived for areas, like Charleston, that had been redesignated to attainment for the 1997 8-hour ozone NAAQS prior to revocation and that were designated attainment for the 2008 ozone NAAQS. CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.[2] PADEP's February 27, 2020 submittal fulfills Pennsylvania's obligation to submit a second maintenance plan and addresses each of the five necessary elements.

As discussed in the September 3, 2020 NPRM, EPA allows the submittal of a less rigorous, limited maintenance plan (LMP) to meet the CAA section 175A requirements by demonstrating that the area's design value [3] is well below the NAAQS and that the historical stability of the area's air quality levels shows that the area is unlikely to violate the NAAQS in the future. EPA evaluated PADEP's February 27, 2020 submittal for consistency with all applicable EPA guidance and CAA requirements. EPA found that the submittal met CAA section 175A and all CAA requirements, and proposed approval of the LMP for the Altoona Area as a revision to the Pennsylvania SIP. The effect of this action makes certain commitments related to the maintenance of the 1997 ozone NAAQS Federally enforceable as part of the Pennsylvania SIP.

Subsequent to the publication of the September 3, 2020 NPRM, EPA discovered a minor computational error in the data presented in Table 1: ''Typical Summer Day NO_X and VOC Emissions for the Altoona Area.'' While the data are correct, the total volatile organic compounds (VOC) emissions were summed incorrectly in Table 1.

[1] 882 F.3d 1138 (D.C. Cir. 2018).

[2] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni Memo).

[3] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

The correct total is 10.90 tons/day, not 11.90 tons/day as presented in the table. See 85 FR 54948. However, since the actual data are correct, and since the incorrect total over-reports rather than under-reports the emissions, EPA believes this to be a harmless error which does not impact the rationale in the NPRM for our approval of Pennsylvania's submittal. Other specific requirements of PADEP's February 27, 2020 submittal and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here. No public comments were received on the NPRM.

III. Final Action

EPA is approving the 1997 8-hour ozone NAAQS limited maintenance plan for the Altoona Area as a revision to the Pennsylvania SIP.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action pertaining to Pennsylvania's second maintenance plan for the Altoona Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for ''Second Maintenance Plan for the Altoona (Blair County) 1997 8-Hour Ozone Nonattainment Area'' at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	* *		* *	*
Second Maintenance Plan for the Altoona (Blair County) 1997 8-Hour Ozone Nonattainment Area.	Blair County	2/27/20	2/9/21, [insert **Federal Register** citation].	

* * * * *

[FR Doc. 2021–02583 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2019–0527; FRL–10018–21–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Emissions From Existing Sewage Sludge Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a negative declaration submitted by the State of Maryland for Sewage Sludge Incineration (SSI) units. This negative declaration submitted by the Maryland Department of the Environment (MDE) certifies that SSI units subject to sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdiction of the State of Maryland. EPA is approving this certification in accordance with the requirements of the CAA.

DATES: This final rule is effective on March 11, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2019–0527. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Matthew Willson, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–5795. Mr. Willson can also be reached via electronic mail at *Willson.Matthew@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 15, 2020 (85 FR 42807), EPA published a notice of proposed rulemaking (NPRM) for the State of Maryland. In the NPRM, EPA proposed approval of a negative declaration submitted by the State of Maryland for Sewage Sludge Incineration (SSI) units. This negative declaration submitted by MDE certifies that SSI units subject to sections 111(d) and 129 of the CAA do not exist within the jurisdiction of the State of Maryland. The negative declaration was submitted by MDE on January 20, 2017.

The CAA requires that state regulatory agencies implement emission guidelines and associated compliance times using a state plan developed under sections 111(d) and 129 of the CAA. The general provisions for the submittal and approval of state plans are codified in 40 Code of Federal Regulations (CFR) part 60, subpart B and 40 CFR part 62, subpart A. Section 111(d) establishes general requirements and procedures on state plan submittals for the control of designated pollutants. Section 129 requires emission guidelines to be promulgated for all categories of solid waste incineration units, including SSI units. SSI units are defined at 40 CFR 60.5250 as ''an incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. A SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.''

Section 129 mandates that all plan requirements be at least as protective as the promulgated emission guidelines. This includes fixed final compliance dates, fixed compliance schedules, and title V permitting requirements for all affected sources. Section 129 also requires that state plans be submitted to EPA within one year after EPA's promulgation of the emission guidelines and compliance times.

States have options other than submitting a state plan in order to fulfill their obligations under CAA sections 111(d) and 129. If a state does not have any existing SSI units for the relevant emission guidelines, a letter can be submitted certifying that no such units exist within the state (*i.e.,* negative declaration) in lieu of a state plan, in accordance with 40 CFR 60.5010. The negative declaration exempts the state from the requirements of subpart B that would otherwise require the submittal of a CAA section 111(d)/129 plan.

On March 21, 2011 (76 FR 15372), EPA finalized emission guidelines for SSI units at 40 CFR part 60, subpart MMMM. Following the 2011 final rule, MDE determined that there was one SSI facility in Maryland that met the applicability criteria for the Federal plan. On January 20, 2017, MDE submitted a letter to EPA requesting full delegation of authority to implement the SSI Federal plan. However, that facility has now permanently shut down and has relinquished its title V permit to operate. Accordingly, MDE sent a negative declaration for SSI units on April 3, 2020.

II. Final Action

In this action, EPA amends 40 CFR part 62 to reflect receipt of the negative declaration letter from MDE, received April 3, 2020, certifying that there are no existing SSI units subject to 40 CFR part 60, subpart MMMM, in accordance with section 111(d) and 129 of the CAA. EPA is accepting the negative declaration in accordance with the

requirements of the CAA and 40 CFR 60.23(b) and 62.06.

III. Statutory and Executive Order Reviews

A. General Requirements

EPA's role with regard to negative declarations for designated facilities received by EPA from states is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. This action approves the state's negative declaration as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, approving a negative declaration submitted by MDE stating that there are no Sewage Sludge Incineration (SSI) units in the state of Maryland subject to sections 111(d) and 129 of the CAA, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sewage sludge incineration units.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart V—Maryland

■ 2. Add an undesignated center heading and § 62.4690 to read as follows:

Air Emissions From Existing Sewage Sludge Incinerators (SSI)—Section 111(d)/129 Federal Plan Delegations

§ 62.4690 Identification of plan—negative declaration.

Letter from the State of Maryland, Department of the Environment, submitted April 3, 2020, certifying that there are no existing sewage sludge incineration units within the State of Maryland that are subject to 40 CFR part 60, subpart MMMM.

[FR Doc. 2021–02617 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0568; FRL–10017–55]

Extension of Tolerances for Emergency Exemptions; Multiple Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends time-limited tolerances for residues of the pesticides clothianidin, methyl bromide, and triclopyr in or on various commodities, as identified in this document. These actions are in response to EPA's granting of emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of these pesticides. In addition, the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA. Additionally, EPA is removing time-limited tolerances for flonicamid on prickly pear, fruit and pads at 1.5 ppm because this exemption will not be renewed, and the tolerances will expire by the effective date of this rule. EPA is also making non-substantive administrative revisions to the tolerance listings for methyl bromide to update the commodity terminology.

DATES: This regulation is effective February 9, 2021. Objections and requests for hearings must be received on or before April 12, 2021 and must be filed in accordance with the instructions

provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0568, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0568 in the subject line on the first page of your submission. All objections and requests must be in writing and must be received by the Hearing Clerk on or before April 12, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2020–0568, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

EPA previously published final rules establishing time-limited tolerances in the **Federal Register** for the chemicals and commodities listed, below, under FFDCA section 408, 21 U.S.C. 346a. EPA established the tolerances because FFDCA section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established at EPA's own initiative and without providing notice or time for public comment.

EPA received requests to extend emergency uses of clothianidin, methyl bromide, and triclopyr for this year's growing season. After having reviewed these submissions, EPA concurs that emergency conditions continue to exist. EPA assessed the potential risks presented by residues for each chemical in the pertinent commodities. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2) and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18.

The data and other relevant material have been evaluated and were discussed in the final rules originally establishing the time-limited tolerances. Based on those data and information considered, the Agency reaffirms that extension of these time-limited tolerances will continue to meet the requirements of FFDCA section 408(l)(6). Therefore, the time-limited tolerances are extended until December 31, 2023. Although these tolerances will expire and are revoked on December 31, 2023, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on the commodities after that date will not be unlawful, provided the residue is present as a result of an application or use of a pesticide at a time and in a manner that was lawful under FIFRA, the tolerance was in place at the time of the application, and the residue does not exceed the level that was authorized by the tolerance. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR).

Time-limited tolerances for the use of the following pesticide chemicals on specific commodities are being extended:

Clothianidin. EPA has authorized under FIFRA section 18 the use of clothianidin on citrus for control of the Asian citrus psyllid in Florida and Texas. This regulation extends a time-limited tolerance for residues of the insecticide clothianidin and its

metabolites and degradates in or on fruit, citrus, group 10–10 at 0.07 parts per million (ppm) for an additional 3-year period. This tolerance will expire and is revoked on December 31, 2023. The time-limited tolerance was originally published in the **Federal Register** of February 25, 2015 (80 FR 10003) (FRL–9919–59).

Methyl bromide. Pursuant to a request by the US Department of Agriculture, Animal and Plant Health Inspection Service, EPA has authorized under FIFRA section 18 the use of methyl bromide on certain imported and domestic commodities, post-harvest for control of invasive non-indigenous quarantine plant pests and to prevent the introduction and/or spread of any new or recently introduced foreign pests to the United States. This regulation extends time-limited tolerances for residues of the pesticide methyl bromide, including its metabolites and degradates, in or on the commodities identified in 40 CFR 180.124(b) (and listed in the regulatory text section of this document) at the levels listed for an additional 3-year period. The tolerances will expire and are revoked on December 31, 2023. The time-limited tolerances were originally published in the **Federal Register** of March 1, 2018 (83 FR 8758) (FRL–9971–19) and October 16, 2020 (85 FR 65729) (FRL–10014–31).

In addition to extending these tolerances, EPA is making several non-substantive revisions to 40 CFR 180.124(b). Entries for avocado, banana, longan, lychee, pomegranate, rambutan, and Spanish lime are deleted, because these commodities are included in Tropical and subtropical fruits, inedible peel, group 24. This regulation also revises certain commodity terms for consistency with current crop groups and commodity vocabulary as follows: ''Tropical and subtropical fruits, edible peel, group 23'' will now read ''Fruit, tropical and subtropical, edible peel, group 23''; ''Tropical and subtropical fruits, inedible peel, group 24'' will now read ''Fruit, tropical and subtropical, inedible peel, group 24''; and ''Stalk, stem and leaf petiole vegetables, group 22'' will now read ''Vegetables, stalk, stem and leaf petiole, group 22''. None of the revisions discussed in this paragraph change the amount of methyl bromide residues permitted on any commodity.

Triclopyr. EPA has authorized under FIFRA section 18 the use of triclopyr on sugarcane for control of divine nightshade (*Solanum nigresens*) in Louisiana. This regulation extends a time-limited tolerance for residues of the herbicide triclopyr and its metabolites and degradates in or on sugarcane, cane at 40 ppm for an additional 3-year period. The tolerance will expire and is revoked on December 31, 2023. A time-limited tolerance was originally published in the **Federal Register** of June 8, 2017 (82 FR 26599) (FRL–9961–29).

The time-limited tolerances are being removed at 40 CFR 180.613(b) for residues of the insecticide flonicamid and its metabolites in or on prickly pear, fruit and pads at 1.5 ppm which expire on December 31, 2020. The applicant has not submitted a request for further use of flonicamid on prickly pear. The time-limited tolerances were originally published in the **Federal Register** of January 26, 2018 (83 FR 3610) (FRL–9971–94).

III. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established any MRLs for flonicamid, methyl bromide, or triclopyr on the commodities listed in this document. The Codex has established MRLs for clothianidin in or on citrus at 0.07 ppm, the same as the tolerance established for fruit, citrus, group 10–10 in the United States. Therefore, there are no harmonization issues.

IV. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established under FFDCA sections 408(e) and 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA has submitted a report containing this rule

and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 4, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.124, revise paragraph (b) to read as follows:

§ 180.124 Methyl bromide; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the fumigant methyl bromide, including its metabolites and degradates, in or on the specified agricultural commodities in Table 2 to this paragraph (b). Compliance with the tolerance levels specified in Table 2 to this paragraph (b) is to be determined by measuring only methyl bromide, in or on the commodities, resulting from use of the pesticide pursuant to Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) section 18 emergency exemptions. The tolerances expire and are revoked on the dates specified in Table 2 to this paragraph (b).

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration/ revocation date
Berry and small fruit, group 13–07	5.0	12/31/23
Cactus	3.0	12/31/23
Coconut, copra	8.0	12/31/23
Coffee, green bean	150	12/31/23
Cola, seed	150	12/31/23
Cucurbit, seed	150	12/31/23
Fig	10	12/31/23
Fruit, citrus, group 10–10	2	12/31/23
Fruit, stone, group 12–12	5.0	12/31/23
Fruit, tropical and subtropical, edible peel, group 23	10	12/31/23
Fruit, tropical and subtropical, inedible peel, group 24	5.0	12/31/23
Herb and spice, group 19	35	12/31/23
Hibiscus, seed	150	12/31/23
Ivy gourd	5.0	12/31/23
Kaffir lime, leaves	0.50	12/31/23
Kenaf, seed	150	12/31/23
Oilseed group 20	150	12/31/23
Peppermint, tops	35	12/31/23
Pointed gourd	5.0	12/31/23
Spearmint, tops	35	12/31/23
Vegetable, bulb, group 3–07	2.0	12/31/23
Vegetable, cucurbit, group 9	5.0	12/31/23
Vegetable, foliage of legume, group 7	0.50	12/31/23
Vegetable, fruiting, group 8–10	7.0	12/31/23
Vegetable, head and stem *Brassica,* group 5–16	1.0	12/31/23
Vegetable, leafy, group 4–16	0.50	12/31/23
Vegetable, leaves of root and tuber, group 2	0.50	12/31/23
Vegetable, legume, group 6	3.0	12/31/23
Vegetable, root and tuber, group 1	3.0	12/31/23
Vegetable, stalk, stem and leaf petiole, group 22	0.50	12/31/23

* * * * *

■ 3. In § 180.417, revise the table in paragraph (b) to read as follows:

§ 180.417 Triclopyr; tolerances for residues.

* * * * *

(b) * * *

TABLE 3 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration/ revocation date
Sugarcane, cane	40	12/31/23

* * * * *

■ 4. In § 180.586, revise the entry for ''Fruit, citrus, group 10–10'' in the table in paragraph (b) to read as follows:

§ 180.586 Clothianidin; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ revocation date
Fruit, citrus, group 10–10	0.07	12/31/23
* * * * * * *		

* * * * *

§ 180.613 [Amended]

■ 5. In § 180.613, remove and reserve paragraph (b).

[FR Doc. 2021–02512 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0066 and EPA–HQ–OPP–2019–0586; FRL–10017–32]

Benzovindiflupyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of benzovindiflupyr in or on lowbush blueberries, ginseng, and sugar beet roots, leaves, and dried pulp. Interregional Research Project Number 4 (IR–4) and Syngenta Crop Protection requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 9, 2021. Objections and requests for hearings must be received on or before April 12, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The dockets for this action, identified by docket identification (ID) numbers EPA–HQ–OPP–2020–0066 and EPA–HQ–OPP–2019–0586, are available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID numbers EPA–HQ–OPP–2020–0066 and EPA–HQ–OPP–2019–0586 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before April 12, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID numbers EPA–HQ–OPP–2020–0066 and EPA–HQ–OPP–2019–0586, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about

dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 15, 2020 (85 FR 20910) (FRL–10006–54), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8806) by IR–4, IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of benzovindiflupyr (N-[9-(dichloromethylene)-1,2,3,4-tetrahydro-1,4-methanonaphthalen-5-yl]-3-(difluoromethyl)-1-methyl-1H-pyrazole-4-carboxamide) in or on the raw agricultural commodities Blueberry, lowbush at 2 parts per million (ppm) and Ginseng at 0.3 ppm. That document referenced a summary of the petition prepared by Syngenta, the registrant, which is available in the docket EPA–HQ–OPP–2020–0066, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

In the **Federal Register** of February 4, 2020 (85 FR 6129) (FRL–10003–17), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9F8772) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC, 27419. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of benzovindiflupyr in or on the raw agricultural commodities Beet, sugar, dried pulp at 0.15 ppm; Beet, sugar, roots at 0.08 ppm; and Beet, sugar, tops at 0.06 ppm. That document referenced a summary of the petition prepared by Syngenta, the registrant, which is available in the docket EPA–HQ–OPP–2019–0586, *http://www.regulations.gov.* One relevant comment was received in response to the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA is establishing several tolerances at different levels than were petitioned for and is also modifying a commodity definition. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for benzovindiflupyr including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with benzovindiflupyr follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary. EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for benzovindiflupyr, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to benzovindiflupyr and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. For a discussion of the Toxicological Profile of benzovindiflupyr, see Unit III.A. of the June 22, 2018 rulemaking (83 FR 29033) (FRL–9977–94).

Toxicological Points of Departure/Levels of Concern. For a summary of the Toxicological Points of Departure/Levels of Concern used for the safety assessment, see Unit III.B. of the October 2, 2015 rulemaking (80 FR 59627) (FRL–9933–03).

Exposure Assessment. Much of the exposure assessment remains the same, although some updates have occurred to accommodate exposures from the petitioned-for tolerances and reflect changes to the non-dietary, non-occupational exposure assessment. The updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the June 22, 2018 rulemaking.

EPA's dietary exposure assessments have been updated to include the additional exposure from the new uses of benzovindiflupyr on lowbush blueberry, ginseng, and sugar beet. The assessment used the same assumptions concerning 100 percent crop treated and tolerance-level residues as the June 22, 2018 final rule. Drinking water exposures are not impacted by the new uses, and thus have not changed since the last assessment.

There have been two updates to the residential exposure assessment since the June 22, 2018 final rule. The updated assessment no longer assesses risks to residential handlers, since the label requirements for handlers to wear specific clothing and to use personal protective equipment (PPE) are presumed to indicate that these products are not intended for homeowner use; thus, there is no residential handler exposure. The consideration of the new turf use does not change previous conclusions about post-application risk exposures.

EPA's conclusions concerning cumulative risk remain unchanged from the June 22, 2018 rulemaking.

Safety Factor for Infants and Children. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the June 22, 2018 rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute population adjusted dose (aPAD) and the chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and

residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD: They are 44% of the aPAD for children 1 to 2 years old, the population subgroup with the highest exposure estimate. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD: They are 19% of the cPAD for children 1 to 2 years old, the population subgroup with the highest exposure estimate. Because the chronic dietary risks are below EPA's level of concern, EPA also concludes that benzovindiflupyr will not pose a cancer risk. The short-term aggregate MOE (food, water, and residential) is 500 for children 1 to 2 years old. This MOE exceeds the target level of concern of 100, so it is not of concern. There are no intermediate or long-term residential exposures.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to benzovindiflupyr residues. More detailed information about the Agency's analysis can be found at *http://www.regulations.gov* in the documents titled ''Benzovindiflupyr. Human Health Risk Assessment for the Proposed New Food Use on Lowbush Blueberries and Ginseng and New Non-Food Uses.'' in docket ID number EPA–HQ–OPP–2020–0066 and ''Benzovindiflupyr. Human Health Risk Assessment for the Proposed New Use on Sugar Beets'' in docket ID number EPA–HQ–OPP–2019–0586.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the June 22, 2018 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

There are no benzovindiflupyr Codex MRLs established for blueberries, ginseng, or sugar beets.

C. Response to Comments

Although three comments were submitted to the docket in response to the February 4, 2020 Notice of Filing, only one specifically related to this tolerance action. The commenter requested that EPA deny Syngenta's request for tolerances for benzovindiflupyr on sugar beets out of a concern for the general health impacts of pesticides.

Although the Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that the benzovindiflupyr tolerances are safe. The commenter has provided no information indicating that a safety determination cannot be supported.

D. Revisions to Petitioned-For Tolerances

Based on available residue data and using the Organization for Economic Cooperation and Development (OECD) calculator, EPA has determined that it is appropriate to set the tolerance level for beet, sugar, dried pulp at 0.6 ppm rather than as proposed at 0.15 ppm. Also, the tolerance is being established on ''Beet, sugar, leaves'' rather than ''Beet, sugar, tops'' to be consistent with Agency nomenclature; this tolerance is being established at 0.07 ppm rather than 0.06 ppm.

V. Conclusion

Therefore, tolerances are established for residues of benzovindiflupyr in or on beet, sugar, dried pulp at 0.6 ppm; beet sugar, leaves at 0.07 ppm; beet, sugar, roots at 0.08 ppm; blueberry, lowbush at 2 ppm; and ginseng at 0.3 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances and modifications in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology

Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 30, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.686, amend paragraph (a) by designating the table as Table 1 to Paragraph (a) and adding, in alphabetical order, to newly designated Table 1 the entries ''Beet, sugar, dried pulp''; ''Beet, sugar, leaves''; ''Beet, sugar, roots''; ''Blueberry, lowbush''; and ''Ginseng'' to read as follows:

§ 180.686 Benzovindiflupyr; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Beet, sugar, dried pulp	0.6
Beet, sugar, leaves	0.07
Beet, sugar, roots	0.08
Blueberry, lowbush	2
* * * * *	
Ginseng	0.3
* * * * *	

* * * * *

[FR Doc. 2021–02516 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0067; FRL–10017–52]

Streptomycin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of streptomycin in or on the fruit, citrus, group 10–10 and fruit, citrus, group 10–10, dried pulp. Geo Logic Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 9, 2021. Objections and requests for hearings must be received on or before April 12, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0067, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

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FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

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In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0067, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 25, 2016 (81 FR 24044) (FRL–9944–86), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5F8427) by Geo Logic Corporation, P.O. Box 3091, Tequesta, FL 33409. The petition requested that 40 CFR 180.245 be amended by establishing tolerances for residues of streptomycin in or on citrus fruit, crop group 10–10 at 0.5 ppm and citrus, dried pulp at 3.5 ppm and by removing the existing tolerances for grapefruit.

In addition, in the **Federal Register** of September 5, 2014 (79 FR 53009) (FRL–9914–98), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E8236) by Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested the establishment of tolerances for residues of streptomycin in or on grapefruit at 0.15 ppm, grapefruit, dried pulp at 0.63 ppm, and fruit, pome, group 11–10 at 0.25, as well as several amendments to the existing tolerances in 40 CFR 180.245 as follows: (1) Moving the existing tolerances for streptomycin on celery, pepper, and tomato from paragraph (a)(2), and potato from paragraph (a)(3) to the table in paragraph (a)(1); (2) modifying the existing tolerance for tomato from 0.25 ppm to 0.5 ppm; (3) removing the existing time-limited tolerances for grapefruit and grapefruit, dried pulp in paragraph (b) upon establishment of the permanent tolerances for grapefruit and grapefruit, dried pulp; (4) removing the existing tolerance for fruit, pome, group 11 upon establishment of the tolerance for fruit, pome, group 11–10; and (5) modifying the tolerance expression and creating a single paragraph and table under § 180.245(a) to provide that in general tolerances are established for residues of the fungicide streptomycin, including its metabolites and degradates, in or on the commodities in the table to the paragraph. Compliance with the tolerance levels specified in the table is to be determined by measuring only streptomycin (O-2-Deoxy-2-(methylamino)-a-Lglucopyranosyl-(1-2)-O-5-deoxy-3-Cformyl-a-L-lyxofuranosyl-(1-4)-*N,N'*-bis(aminoiminomethyl)-D-streptamine) in or on the commodity.

The documents referenced summaries of the petitions prepared by the petitioners, which are available at *http://www.regulations.gov.* in the following dockets: EPA–HQ–OPP–2016–0067 for PP 5F8427 and EPA–HQ–OPP–2014–0134 for PP 4E8236. No comments were received in response to the notice of filing for PP 5F8427; eighteen comments were submitted in response to the notice of filing for PP 4E8236 although none were relevant to the streptomycin tolerance.

Based upon review of the data supporting the petitions, EPA is establishing the tolerances at different levels than requested. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for streptomycin including exposure resulting from the tolerances modified by this action. EPA's assessment of exposures and risks associated with streptomycin follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary; EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a tolerance rulemaking for streptomycin, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to streptomycin and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. There are no guideline toxicity studies available to assess pesticidal uses of streptomycin. The toxicity of streptomycin was assessed using the extensive published literature on drug use of streptomycin in humans and in animals, as well as with several toxicity summaries provided by the FDA. Injections of streptomycin as a drug (up to a gram), at doses much higher than expected from dietary or residential routes of exposure to pesticidal uses, can cause inner ear toxicity resulting in vestibular problems with loss of balance or equilibrium. Injections also sometimes cause hearing loss and mild, reversible kidney toxicity. Children born to mothers treated with streptomycin injections have sometimes had hearing loss. No teratogenic effects were noted in a non-guideline rabbit developmental study. In a non-guideline 2-year rat feeding study, the only adverse effect noted was reduced body weight in males; an increase in treatment-related tumors was not reported. The acute oral toxicity for streptomycin is very low; the LD_{50} was 9,000 mg/kg in both rats and mice.

Toxicological Points of Departure/Levels of Concern. For a summary of the Toxicological Points of Departure/Levels of Concern used for the safety assessment, see Unit IV.A. of the March 15, 2017 rulemaking (82 FR 13759) (FRL–9957–65).

Exposure Assessment. EPA's dietary exposure assessments for the permanent tolerances on the citrus fruit crop group 10–10 and dried citrus pulp relied on

tolerance-level residues for all crops and an assumption of 100 percent crop treated (PCT). EPA's aggregate exposure assessment incorporated this assumed dietary exposure, as well as exposure in drinking water and from residential sources, which have not changed since the last assessment. The assessment also considered aggregate risk as a result of the pharmaceutical uses of streptomycin. For a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit IV.B. of the March 15, 2017 rulemaking.

Safety Factor for Infants and Children. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit IV.C. of the March 15, 2017 rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

No acute effects were identified in the toxicological studies for streptomycin; therefore, acute risk is not expected. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD: They are 91% of the cPAD for all infants less than 1 year old, the population subgroup with the highest exposure estimate. The short-term MOE is greater than the Agency's level of concern of 100: It is 260 for adults, the population group of concern. Intermediate-term or long-term residential exposures are not expected. Lastly, because the pesticide exposure has no more than a minimal impact on the total dose to a pharmaceutical user, EPA believes that there is a reasonable certainty that the potential dietary pesticide exposure will result in no harm to a user being treated therapeutically with streptomycin.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to streptomycin residues. More detailed information about the Agency's analysis can be found at *http://www.regulations.gov* in the document titled ''Streptomycin. Section 3 Registration for Citrus Fruits Crop Group 10–10'' in docket ID number EPA–HQ–OPP–2016–0067.

IV. Other Considerations

A. Analytical Enforcement Methodology

A high-performance liquid chromatography method with tandem mass spectrometry detection (LC/MS/MS) is available for tolerance enforcement.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The Codex has not established any MRLs for streptomycin.

C. Revisions to Petitioned-For Tolerances

The tolerances proposed by the petitioner for the citrus fruit crop group 10–10 (0.50 ppm) and citrus dried pulp (3.5 ppm) are different from those which are being established by this document. This is primarily because the petitioner input the residue data differently into the calculation procedures for determining the proposed crop group tolerance (including all data for the representative crops into a single calculation). As a result, the tolerances are being established at 0.8 ppm for the fruit, citrus, crop group 10–10 and 3 ppm for fruit, citrus, group 10–10, dried pulp. In addition, the commodity definitions were corrected to reflect the crop group.

As a result of the IR–4 petition being withdrawn by the petitioner, EPA is not granting the request to establish the requested tolerances or to increase the tomato tolerance from 0.25 to 0.5 ppm. EPA is making the editorial changes requested by IR–4, however, including modifications to the tolerance expression and tables contained in paragraph (a) and removal of expired grapefruit tolerances from paragraph (b).

V. Conclusion

Therefore, tolerances are established for residues of streptomycin in or on Fruit, citrus, group 10–10 at 0.8 ppm and Fruit, citrus, group 10–10, dried pulp at 3 ppm. In addition, existing tolerances in 40 CFR 180.245 are amended as follows: (1) Consolidating the subparagraphs and tables in paragraph (a) into a single paragraph (a); (2) removing the time-limited tolerances for grapefruit and grapefruit, dried pulp, as they have expired; and (3) modifying the tolerance expression and creating a single paragraph and table under § 180.245(a) to provide that in general tolerances are established for residues of the fungicide streptomycin, including its metabolites and degradates, in or on the commodities in the table to the paragraph. Compliance with the tolerance levels specified in the table is to be determined by measuring only streptomycin (O-2-Deoxy-2-(methylamino)-a-Lglucopyranosyl-(1-2)-O-5-deoxy-3-Cformyl-a-L-lyxofuranosyl-(1-4)-*N,N'*-bis(aminoiminomethyl)-D-streptamine) in or on the commodity.

VI. Statutory and Executive Order Reviews

This action establishes and modifies tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition

under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 5, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Revise § 180.245 to read as follows:

§ 180.245 Streptomycin; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide streptomycin, including its metabolites and degradates, in or on the commodities in Table 1 to this paragraph (a). Compliance with the tolerance levels specified in Table 1 to this paragraph (a) is to be determined by measuring only streptomycin (O-2-Deoxy-2-(methylamino)-a-Lglucopyranosyl-(1-2)-O-5-deoxy-3-Cformyl-a-L-lyxofuranosyl-(1-4)-*N,N′*-bis(aminoiminomethyl)-D-streptamine) in or on the commodity.

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Bean, dry, seed	0.5
Bean, succulent	0.5
Celery	0.25
Fruit, citrus, group 10–10	0.8
Fruit, citrus, group 10–10, dried pulp	3
Fruit, pome, group 11	0.25
Pepper	0.25
Potato	0.25
Tomato	0.25

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of streptomycin, in or on the agricultural commodities, as specified in Table 2 to this paragraph (b), resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels listed in Table 2 to this paragraph (b) is to be determined by measuring the levels of streptomycin only, in or on the commodities listed in this Table 2 paragraph (b). The tolerances expire on the dates specified in Table 2 to this paragraph (b).

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration date
Fruit, citrus, group 10–10	2.0	12/31/22
Fruit, citrus, group 10–10, dried pulp	6.0	12/31/22

(c)–(d) [Reserved]

[FR Doc. 2021–02511 Filed 2–8–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0230; FRL–10018–73]

Ethaboxam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of ethaboxam in or on beet, sugar, roots. Valent U.S.A. LLC., requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 9, 2021. Objections and requests for hearings must be received on or before April 12, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0230, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744,

and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0230 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 12, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0230, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 2, 2019 (84 FR 37818) (FRL–9996–78), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9F8747) by Valent U.S.A. LLC, P.O. Box 8025, Walnut Creek, CA 94596–8025. The petition requested that 40 CFR part 180 be amended by establishing a tolerance for residues of the fungicide, ethaboxam, (N-(cyano-2-thienylmethyl)-4-ethyl-2-(ethylamino)-5-thiazolecarboxamide), in or on beet, sugar, root at 0.01 parts per million (ppm). That document referenced a summary of the petition prepared by Valent U.S.A. LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing. Based upon review of the data supporting the petition, EPA has modified the commodity definitions, tolerance levels, and tolerances being established. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for ethaboxam including exposure resulting from the tolerance established by this action. EPA's assessment of exposures and risks associated with ethaboxam follows.

On August 8, 2017, EPA published in the **Federal Register** a final rule establishing tolerances for residues of ethaboxam in or on several commodities based on the Agency's conclusion that aggregate exposure to ethaboxam is safe for the general population, including infants and children. See (82 FR 36086) (FRL–9961–69). EPA is incorporating the following portions of that document by reference here, as they have not changed in the Agency's current assessment of ethaboxam tolerances: The toxicological profile and points of departure; description of the assumptions for assessing exposure from residues in or on food, in drinking water, and residential exposures; cancer assessment and conclusion that a nonlinear reference dose (Rfd) approach is appropriate for assessing cancer risk; conclusions about cumulative risk; Agency's determination regarding the children's safety factor; and tolerance expression, which have not changed. EPA's risk assessment, titled

''Ethaboxam. Human Health Risk Assessment for Non-food Seed Treatment,'' supports the tolerances established in March 9, 2012, and can be found at *http://www.regulations.gov* at docket ID EPA–HQ–OPP–2011–0908–0003. Although the Agency incorporated the assumptions for exposure assessment from the March 9, 2012, final rule and risk assessment, the Agency conducted a revised risk assessment to incorporate exposure to residues of ethaboxam from use as a seed treatment on sugar beets. The updated risk assessment, titled ''Ethaboxam. Human Health Risk Assessment Supporting the Proposed New Use on Sugar Beet Seeds,'' is in docket ID number EPA–HQ–OPP–2019–0230.

EPA's exposure assessments have been updated to include the additional exposure from use of ethaboxam on sugar beet, relied on tolerance-level residues, an assumption of 100 percent crop treated (PCT), and 2018 default processing factors for all processed commodities, except for potato, grape, and sugar beet proceeded commodities, for which the processing studies demonstrated no concentration. EPA's aggregate exposure assessment incorporated this additional dietary exposure, which includes exposure through drinking water. However, drinking water exposures are not impacted by the new use on sugar beet, and thus have not changed since the last assessment. Additionally, although sugar beet molasses and dried pulp are considered significant livestock feed items, the requested new use on sugar beets will not result in the need to establish ethaboxam tolerances in livestock commodities.

An acute dietary risk assessment was not conducted since effects attributable to a single exposure were not identified. Chronic dietary risks are below the Agency's level of concern: 36% of the chronic population adjusted dose (cPAD) for children 1 to 2 years old, the group with the highest exposure. Due to no existing registered or proposed residential uses associated with ethaboxam, there is not expected to be any residential handler exposure or post-application dermal exposures. Residential post-application oral and inhalation exposures are not expected. Since there are no residential uses, the aggregate exposure is equal to the dietary exposure and thus is not of concern.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to ethaboxam residues. More detailed information on the subject action to establish tolerances in or on beet, sugar, roots can be found in the document entitled, ''Ethaboxam. Human Health Risk Assessment Supporting the Proposed New Use on Sugar Beet Seeds'' by going to *http://www.regulations.gov.* The referenced document is available in the docket established by this action, which is described under **ADDRESSES**. Locate and click on the hyperlink for docket ID number EPA–HQ–OPP–2019–0230.

IV. Other Considerations

A. Analytical Enforcement Methodology

There are adequate residue analytical methods for enforcing tolerances for ethaboxam residues of concern in/on the registered plant commodities. The methods include high-performance liquid chromatography with tandem mass-spectrometric detection (LC–MS/MS) for determining residues in/on sugar beets.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The Codex has not established MRLs for ethaboxam in or on beet, sugar, roots; however, Canada's Pest Management Regulatory Agency (PMRA) is simultaneously evaluating the proposed use for ethaboxam on sugar beet seeds. EPA is establishing the same tolerance level for beet, sugar, roots as PMRA's proposed MRL of 0.03 ppm. Therefore, there are no harmonization issues.

C. Revisions to Petitioned-For Tolerances

The requested tolerance in ''beet, sugar, root'' was modified to read ''beet, sugar, roots'' to be consistent with Agency naming practices. The petitioned-for tolerance level of 0.01 ppm in beet, sugar, roots has been modified to 0.03 ppm based on the per-trial average residue corrected for all field trial dissipation. This is consistent with the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedure when all residues are corrected for apparent storage stability decline.

V. Conclusion

Therefore, tolerances are established for residues of ethaboxam in or on beet, sugar, roots at 0.03 ppm.

VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National

Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 15, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.622, amend paragraph (a) by designating the table and adding in alphabetical order in newly designated table 1 to paragraph (a) an entry for ''Beet, sugar, roots'' to read as follows:

§ 180.622 Ethaboxam; tolerances for residues.

* * * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Beet, sugar, roots	0.03
* * * * *	

* * * * *

[FR Doc. 2021–02574 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2020–0275; FRL–10017–08–Region 5]

Illinois: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting Illinois final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a Proposed Rule on July 30, 2020 and provided for public comment. No adverse comments were received on the proposed revisions. No further opportunity for comment will be provided.

DATES: This final authorization is effective February 9, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–RCRA–2020–0275. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jean Gromnicki, Illinois Regulatory Specialist, U.S. EPA Region 5, LL–17J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6162, email *Gromnicki.jean@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. What changes to Illinois' hazardous waste program is EPA authorizing with this action?

On August 7, 2019, Illinois submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA published a Proposed Rule on July 30, 2020 and requested public comment. EPA received two comments which were generally supportive of this state authorization action. EPA now makes a final decision that Illinois' hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the July 30, 2020, **Federal Register** at 85 FR 45834.

B. What is codification and is EPA codifying the Illinois' hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Illinois' revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart O for the authorization of Illinois' program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises Illinois' authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the July 30, 2020, **Federal Register** at 85 FR 45834. The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General

of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final action will be effective February 9, 2021.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Cheryl Newton,

Acting Regional Administrator.

[FR Doc. 2021–02427 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 9

[PS Docket No. 07–114; FCC 21–11, FRS 17452]

Wireless E911 Location Accuracy Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopted an Order on Reconsideration that dismisses two petitions for reconsideration filed by CTIA and the Association of Public-Safety Communications Officials-International, Inc. (APCO) with respect to the *Sixth Report and Order.* As an alternative and independent ground for resolving the issues raised, the Commission denies the petitions on the merits.

DATES: *Effective Date:* March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Rachel Wehr, Law Clerk, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418–1138 or via email at *Rachel.Wehr@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration,* FCC 21–11, adopted and released on January 11, 2021. The complete text of this document is available for public inspection on the Commission's website at *https://docs.fcc.gov/public/attachments/FCC-21-11A1.pdf.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. The Order on Reconsideration dismisses two petitions for reconsideration of the Sixth Report and Order, 85 FR 53234 (Aug. 28, 2020), filed by CTIA and APCO, 85 FR 66333 (Oct. 19, 2020), as procedurally defective and, in the alternative, denies these petitions on their merits. In the Fifth Report and Order, 85 FR 2660 (Jan. 16, 2020), the Commission adopted a z-axis (vertical) location accuracy metric of plus or minus 3 meters for 80 percent of indoor wireless Enhanced 911 (E911) calls for z-axis capable handsets. The Commission also required nationwide commercial mobile radio service (CMRS) providers to deploy dispatchable location or z-axis technology that meets this metric in the top 25 markets by April 3, 2021 and in the top 50 markets by April 3, 2023. In a companion Fifth Further Notice of Proposed Rulemaking, 85 FR 2683 (Jan. 16, 2020), the Commission proposed rules to improve E911 wireless location accuracy. Among other things, the Commission sought comment on alternative methods for carriers to demonstrate z-axis technology deployment and expanding dispatchable location solutions. In the Sixth Report and Order, the Commission rejected arguments to extend the deployment timeline and added a requirement for nationwide CMRS providers to deploy z-axis location technology nationwide by April 2025. In addition, the Commission required CMRS providers, as of January 6, 2022, to provide dispatchable location for wireless 911 calls if it is technically feasible and cost-effective to do so. The Commission also allowed providers to provide dispatchable location by means other than the National Emergency Address Database (NEAD), which ceased operations subsequent to the release of the Fifth Further Notice of Proposed Rulemaking.

2. CTIA and APCO filed their petitions on September 28 and September 23, 2020, respectively. In its petition, CTIA argued that the COVID–19 pandemic has stalled any ability to validate whether z-axis location solutions can meet the Commission's vertical location accuracy requirements. CTIA also asserted that the compliance timeline adopted by the Commission was premised on vendor promises that ''have not panned out'' and that time is running out for meeting the April 2021 deadline. According to CTIA, reconsideration of the Sixth Report and Order would provide an opportunity for the Commission to adopt a framework based on the use of mobile OS-based solutions. CTIA asserted that this would provide a ''viable path'' to achieving ''accurate 9-1-1 vertical location information nationwide.'' In its reconsideration petition, APCO asked the Commission to require CMRS providers to deliver dispatchable location for a minimum percentage of 911 calls—an alternative that APCO had previously proposed and the Commission rejected—rather than tie the dispatchable location benchmark to the number of address reference points in a location database. In addition, APCO sought reconsideration of the requirement that CMRS providers supply dispatchable location if it is technically feasible and cost effective to do so. APCO took issue with the Commission's prior decision not to adopt its proposal to require dispatchable location for a minimum percentage of calls and disputed the conclusion that a minimum percentage threshold would go beyond what is technically feasible and cost effective.

3. The Commission determined that CTIA's petition for reconsideration of the longstanding timelines for implementing the z-axis was repetitive, untimely, and failed to offer sufficient factual details that would support grant of a waiver to a particular provider. The Commission determined that CTIA's petition was procedurally improper because it repeated arguments raised by other commenters that the Commission fully addressed in the Sixth Report and Order. While the Commission noted in the Sixth Report and Order that the pandemic had created challenges, the Commission declined to change the long-established 2021 deadline. The Commission also stated in the Sixth Report and Order that parties able to show good cause due to pandemic-related hardship could seek a waiver in accordance with the Commission's rules. CTIA failed to offer sufficient factual details about any of its individual member service providers that would support grant of a waiver to

any particular provider. The Commission also determined that CTIA's petition to revise the 2021 and 2023 deadlines was untimely, as these deadlines were established in the 2015 Fourth Report and Order. In response to CTIA's argument that postponement of Stage Zb testing created an insurmountable obstacle for meeting the Commission's timelines, the Commission found that it had already determined in the Sixth Report and Order and Fifth Report and Order that compliance was feasible, and the deployment of mobile OS-based technologies had no bearing on that feasibility. In response to CTIA's argument that indoor location accuracy benchmarks are a mandate that providers use barometric sensor-based solutions, the Commission noted that the Sixth Report and Order does not require providers to use any particular technology. The Commission also disagreed with CTIA's claim that the Sixth Report and Order improperly relied on vendors' claims, as the Sixth Report and Order underscored the active role that CMRS providers would need to play in the deployment of z-axis solutions. In addition, the Commission found that, contrary to CTIA's assertions, it had adequately considered the benefits of the nationwide providers' proposed solution in the Sixth Report and Order, and the decision was consistent with Commission precedent. Further, the Commission found that it had reasonably relied on confidence and uncertainty standards in the rules.

4. Similarly, the Commission determined that APCO's petition for reconsideration of certain requirements was repetitive, untimely, and misconstrued the record of this proceeding, which affirms that a diverse array of technological approaches could be used to provide dispatchable location. The Commission determined that APCO's petition for reconsideration was repetitive, as the Commission had already considered and rejected in the Sixth Report and Order APCO's suggestion that the Commission revise its rules to require CMRS providers to provide dispatchable location for a minimum percentage of 911 calls. The Commission also determined that APCO's argument that notice was insufficient for the Commission's decision to convert the NEAD benchmark to an ''any database'' benchmark misconstrued the record, as the Commission anticipated the possibility of the NEAD's failure in the Fifth Further Notice and proposed allowing CMRS providers to use other databases to support dispatchable location. In addition, the Commission determined that APCO's argument asking the Commission to substitute a dispatchable location requirement based on a minimum percentage of calls was untimely, as the deployment and reference point requirements were adopted in the 2015 Fourth Report and Order. The Commission further found, contrary to APCO's arguments, that the existing reference point benchmark was reasonable and that the demise of the NEAD does not require changing it; in amending the rules to allow alternatives to the NEAD, the Commission made clear that any carrier using a non-NEAD database to support dispatchable location must meet the same technical and functional requirements that would have applied to the NEAD. The Commission affirmed its requirement adopted in the Sixth Report and Order that CMRS carriers provide dispatchable location with wireless E911 calls when it is technically feasible and cost effective to do so. The Commission also found that APCO's proposed percentage-of-calls approach was arbitrary and lacked any showing of technical feasibility or cost-effectiveness.

I. Procedural Matters

5. *Paperwork Reduction Act Analysis.* This Order on Reconsideration does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. Thus, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

6. *Congressional Review Act.* The Commission will not send a copy of this Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because no rule was adopted or amended.

7. *Regulatory Flexibility Act Analysis.* In the *Sixth Report and Order,* the Commission provided a Final Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act of 1980, as amended (RFA). We received no petitions for reconsideration of that Final Regulatory Flexibility Analysis. In this present Order on Reconsideration, the Commission promulgates no additional final rules. Our present action is, therefore, not an RFA matter.

II. Ordering Clauses

8. Accordingly, *it is ordered* that the Petition for Reconsideration filed on September 28, 2020, by CTIA *is dismissed* and, alternatively and independently, *is denied.*

9. *It is further ordered* that the Petition for Reconsideration filed on September 23, 2020, by the Association of Public-Safety Communications Officials-International, Inc. *is dismissed* and, alternatively and independently, *is denied.*

10. *It is further ordered* that this Order on Reconsideration *shall be effective* thirty days after publication in the **Federal Register**.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–02678 Filed 2–5–21; 11:15 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 10

[Docket No. FWS–HQ–MB–2018–0090; FF09M22000–201–FXMB1231090BPP0]

RIN 1018–BD76

Regulations Governing Take of Migratory Birds; Delay of Effective Date

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; delay of effective date and request for public comments.

SUMMARY: On January 7, 2021, we, the U.S. Fish and Wildlife Service, published a final rule (''MBTA rule'') defining the scope of the Migratory Bird Treaty Act (MBTA) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA. We are delaying the MBTA rule's effective date until March 8, 2021, in conformity with the Congressional Review Act (CRA). We request public comments to inform our review of this final rule and to determine whether the further extension of the effective date is necessary.

DATES:

Effective Date: As of February 5, 2021, the effective date of the rule that published on January 7, 2021, at 86 FR 1134, is delayed until March 8, 2021.

Written Comments: We request public comments on issues of fact, law, and policy raised by the MBTA rule published on January 7, 2021 (86 FR 1134), and on whether that rule should

be amended, rescinded, delayed pending further review by the agency, or allowed to go into effect. Public comments must be received or postmarked on or before March 1, 2021.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–HQ–MB–2018–0090, which is the docket number for the rule. Then, click on the Search button. You may submit a comment by clicking on ''Comment Now!'' Please ensure you have located the correct document before submitting your comments.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–MB–2018–0090, U.S. Fish and Wildlife Service, MS: JAO/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT: Jerome Ford, Assistant Director, Migratory Birds, at 202–208–1050.

SUPPLEMENTARY INFORMATION: On January 7, 2021, we, the U.S. Fish and Wildlife Service (USFWS), published a final rule defining the scope of the Migratory Bird Treaty Act (MBTA) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA. During the course of review, the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB), based on information provided by the USFWS, determined that the MBTA rule was economically significant under Executive Order 12866, because it was likely to have an annual effect on the economy of $100 million or more, and that it was therefore a ''major rule'' under subtitle E of the Small Business Regulatory Enforcement Fairness Act (the ''Congressional Review Act'' or ''CRA''), 5 U.S.C. 804(2). *See* OIRA Conclusion of E.O. 12866 Regulatory Review of the MBTA, *available at https://www.reginfo.gov/public/do/eoDetails?rrid=131383* (designating the MBTA rule as a major rule under the CRA). The CRA provides that major rules shall not take effect for at least 60 days after publication in the **Federal Register** (5 U.S.C. 801(a)(3)).

Notwithstanding this statutory requirement, the MBTA rule was published in the **Federal Register** without the requisite delay. This final rule corrects the effective date to March 8, 2021, in accordance with the CRA.

The statutory provisions at issue in the MBTA rule have been the subject of repeated litigation. The final rule interpreted the scope of the MBTA to exclude incidental take of migratory birds—codifying Solicitor's Opinion M–37050 and rejecting several decades of past agency practice concluding that the MBTA prohibits the incidental take of migratory birds. However, in August 2020, a court vacated Solicitor's Opinion M–37050, as contrary to the MBTA (*Natural Resources Defense Council* v. *U.S. Department of the Interior,* No. 18–CV–4596 (VEC), 2020 WL 4605235 (S.D.N.Y. Aug. 11, 2020)). In late January 2021, two new lawsuits were filed that challenge the legal basis for the final rule: *Nat'l Audubon Soc'y* v. *U.S. Fish and Wildlife Serv.,* 1:21–cv–00448 (S.D.N.Y. filed Jan. 19, 2021); *State of New York* v. *U.S. Dep't of the Interior,* 1:21–cv–00452 (S.D.N.Y. filed Jan. 19, 2021).

In addition, on January 20, 2021, the White House issued a memorandum (86 FR 7424, January 28, 2021) instructing Federal agencies to consider postponing the effective date of any rules that have published in the **Federal Register** but not yet taken effect, for the purpose of reviewing any questions of fact, law, and policy they may raise. The memorandum directs that, for rules postponed in this manner, where appropriate and consistent with applicable law, agencies consider opening a comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider any petitions for reconsideration involving such rules.

For the reasons explained above, in accordance with the Congressional Review Act, we are delaying the effective date of the MBTA rule we published on January 7, 2021 (86 FR 1134). The original effective date of the rule was February 8, 2021; with this document, we are changing the effective date of the rule to March 8, 2021, 60 days from its initial publication.

Immediate implementation of the MBTA rule on March 8, 2021, significantly impacts the public interest. Specifically, the public has a strong interest in conserving the migratory bird resource and fulfilling shared objectives and obligations with a treaty partner, Canada. These interests could be harmed by allowing this regulation to take effect on its current effective date.

First, as noted in the environmental impact statement (EIS) developed to analyze the impacts of the MBTA rule (85 FR 76077, November 27, 2020), its implementation may have significant impacts on migratory bird species and other resources. The EIS concluded that implementing the MBTA rule may have significant impacts on migratory birds, vegetation, other wildlife, and associated ecosystem services and other economic activities, but admitted that data are not readily quantifiable and available to determine the magnitude of those impacts. Neither the EIS nor the associated record of decision (''ROD'') set forth a monitoring plan to ascertain the magnitude of those impacts after implementation of the final rule. Thus, there is a high likelihood that the public interest in these resources will be harmed given that the magnitude of the impacts is likely significant but unknown and no monitoring plan is in place to determine that magnitude.

Second, further delay of the effective date may make it possible to avoid costly and unnecessary litigation. As noted above, the District Court for the Southern District of New York, in vacating Solicitor's Opinion M–37050, has already expressly rejected the legal rationale of the MBTA rule, and two additional suits have been filed challenging the MBTA rule itself.

Third, further consideration of concerns expressed by one of our treaty partners may counsel in favor of further delay of the effective date of the MBTA rule. The MBTA implements four bilateral migratory bird Conventions with Canada, Mexico, Russia, and Japan. *See* 16 U.S.C. 703–705, 712. The Government of Canada communicated its concerns with the MBTA rule both during and after the rulemaking process, including providing comments on the EIS associated with the rule.

After the public notice and comment period had closed, Canada's Minister of Environment and Climate Change summarized the Government of Canada's concerns in a public statement issued on December 18, 2020 (*https://www.canada.ca/en/environment-climate-change/news/2020/12/minister-wilkinson-expresses-concern-over-proposed-regulatory-changes-to-the-united-states-migratory-bird-treaty-act.html*). Minister Wilkinson stated the Government of Canada's concern regarding ''the potential negative impacts to our shared migratory bird species'' of allowing the incidental take of migratory birds under the MBTA rule and ''the lack of quantitative analysis to inform the decision.'' He noted that the ''Government of Canada's interpretation of the proposed changes . . . is that they are not consistent with the objectives of the Convention for the

Protection of Migratory Birds in the United States and Canada.'' Additionally, in its public comments on the draft EIS for the MBTA rule, Canada stated that it believes the rule ''is inconsistent with previous understandings between Canada and the United States (U.S.), and is inconsistent with the long-standing protections that have been afforded to non-targeted birds under the *Convention for the Protection of Migratory Birds in the United States and Canada* . . . as agreed upon by Canada and the U.S. through Article I. The removal of such protections will result in further unmitigated risks to vulnerable bird populations protected under the *Convention*.''

Therefore, we invite public comments on the MBTA rule to allow interested parties to provide comments about issues of fact, law, and policy raised by that rule, and so that we can consider any petitions for reconsideration involving the rule. We also invite public comments on whether the rule should be amended, rescinded, delayed pending further review by the agency, or allowed to go into effect. In particular, the USFWS would appreciate comments on the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA, the impact of the MBTA rule on our treaty partners, the impact of the MBTA rule on regulated entities, the effect of the pending litigation on the MBTA rule, and the appropriateness of delaying the effective date of the MBTA rule beyond March 8, 2021. The USFWS will consider these comments in reviewing the MBTA rule. See **DATES** and **ADDRESSES**, above, and Public Comments, below, for more information on submitting comments.

Public Comments

You may submit your comments and materials concerning the rule by one of the methods listed in **ADDRESSES**. Comments must be submitted to *http://www.regulations.gov* before 11:59 p.m. (Eastern Time) on the date specified under *Written comments* in **DATES**. We will not consider mailed comments that are not postmarked by the date specified under *Written comments* in **DATES**. Comments previously submitted need not be resubmitted and will be fully considered in our review of the rule.

We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov*. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive will be available for public inspection on *http://www.regulations.gov*.

Administrative Procedure Act

Our implementation of this action delaying the effective date of the MBTA rule from February 8, 2021, to March 8, 2021, without opportunity for public comment, effective immediately upon filing for publication in the **Federal Register**, is based on the good cause exceptions provided in the Administrative Procedure Act. Pursuant to 5 U.S.C. 553(b)(B), we have determined that good cause exists to forgo the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures are unnecessary where the agency lacks discretion to choose an alternative course of action. As discussed above, the change of the effective date to March 8, 2021, is being made to comply with the 60-day effective date delay for major rules provided for in the Congressional Review Act. 5 U.S.C. 801(a)(3). For the same reasons discussed above, USFWS finds that there is good cause to waive the effective date delay under 5 U.S.C. 553(d)(3) and 5 U.S.C. 808(2).

Authority: The authorities for this action are 16 U.S.C. 668a–d, 703–712, 742a–j–l, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; and 19 U.S.C. 1202.

Shannon A. Estenoz,

Senior Advisor to the Secretary, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2021–02667 Filed 2–5–21; 11:15 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180117042–8884–02; RTID 0648–XA795]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; Purse Seine category annual quota adjustment; quota transfer.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) Purse Seine and Reserve category quotas for 2021, as it has done annually since 2015. NMFS also is transferring 26 metric tons (mt) of BFT quota from the Reserve category to the General category January 2021 subquota period (from January 1 through March 31, 2021, or until the available subquota for this period is reached, whichever comes first). The transfer to the General category is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective February 8, 2021, through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, *sarah.mclaughlin@noaa.gov,* 978–281–9260, Nicholas Velseboer, *nicholas.velseboer@noaa.gov,* 978–675–2168, or Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), and amendments. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

Annual Adjustment of the BFT Purse Seine and Reserve Category Quotas

The current baseline Purse Seine, General, and Reserve category quotas are codified as 219.5 mt, 555.7 mt, and 29.5 mt, respectively. See § 635.27(a). Pursuant to § 635.27(a)(4), NMFS has determined the amount of quota available to the Atlantic Tunas Purse Seine category participants in 2021, based on their BFT catch (landings and dead discards) in 2020. In accordance with the regulations, NMFS makes available to each Purse Seine category

participant either 100 percent, 75 percent, 50 percent, or 25 percent of the individual baseline quota allocations based on the previous year's catch, as described in § 635.27(a)(4)(ii), and reallocates the remainder to the Reserve category. NMFS has calculated the amounts of quota available to the Purse Seine category participants for 2021 based on their individual catch levels in 2020 and the codified process adopted in Amendment 7. NMFS did not open the Purse Seine fishery in 2020 because there were no purse seine vessels permitted to fish for BFT and thus no catch in 2020. As a result, each Purse Seine category participant will receive 25 percent of the individual baseline quota amount, which is the required distribution even with no fishing activity under the current regulations. The individual baseline amount is 43.9 mt (219.5 mt divided by five Purse Seine category participants), 25 percent of which is 11 mt. Consistent with § 635.27(a)(4)(v)(C), NMFS notifies Atlantic Tunas Purse Seine category participants of the amount of quota available for their use this year through the Individual Bluefin Quota electronic system established under § 635.15 and in writing.

By summing the individual available allocations, NMFS has determined that 55 mt are available to the Purse Seine category for 2021. Thus, the amount of Purse Seine category quota to be reallocated to the Reserve category is 164.5 mt (219.5 mt − 55 mt). This reallocation results in an adjusted 2021 Reserve category quota of 194 mt (29.5 mt + 164.5 mt), before any further transfers to other categories.

Transfer of 26 mt From the Reserve Category to the General Category

Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a subquota or portion of the annual General category quota. Although it is called the ''January'' subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first.

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories after considering regulatory determination criteria at § 635.27(a)(8). For 2021 to date, NMFS has transferred 19.5 mt from the General category December 2021 subquota period to the January 2021 subquota period (85 FR 83832, December 23, 2020), resulting in an adjusted General category January period subquota of 49 mt.

NMFS has considered all of the relevant determination criteria and their applicability to the inseason quota transfer. These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by General category fishermen and provided by BFT dealers provide NMFS with valuable data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT over the longest time-period allowable would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date (including during the winter fishery in the last several years), and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii) and (ix)). As of February 2, 2021, the General category has landed 17.6 mt of its adjusted January 2021 subquota of 49 mt. Commercial-size BFT are currently readily available to vessels fishing under the General category quota. Without a quota transfer at this time, General category participants would have to stop BFT fishing activities with very short notice, while commercial-sized BFT remain available in the areas General category permitted vessels operate. Transferring 26 mt of BFT quota from the Reserve category would result in a total of 75 mt being available for the General category for the January 2021 subquota period.

Regarding the projected ability of the vessels fishing under the particular category quota (here, the General category) to harvest the additional amount of BFT quota transferred before the end of the fishing year (§ 635.27(a)(8)(iii)), NMFS considered General category landings over the last several years and landings to date this year. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. NMFS anticipates that all 26 mt of transferred quota will be used by March 31. In the unlikely event that any of this quota is unused by March 31, the unused quota will roll forward to the next subperiod within the calendar year (*i.e.,* the June through August time period), and NMFS anticipates that it would be used by the subquota category before the end of the fishing year.

NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(8)(iv)) and the ability to account for all 2021 landings and dead discards. In the last several years, total U.S. BFT landings have been below the total available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. NMFS will need to account for 2021 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and NMFS anticipates having sufficient quota to do that, even with this 26-mt transfer to the General category.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the transfer on accomplishing the objectives of the 2006 Consolidated HMS FMP (§ 635.27(a)(8)(v) and (vi)). This transfer would be consistent with the current U.S. quota, which was established and analyzed in the 2018 BFT quota final rule, and with objectives of the 2006 Consolidated HMS FMP and amendments, which include measures to meet obligations related to ending overfishing and rebuilding stocks (§ 635.27(a)(8)(v) and (vi)). Another consideration is the objective of providing opportunities to harvest the full annual U.S. BFT quota without exceeding it based on the objectives of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)). Specific to the General category, this includes the goal of providing opportunity equitably across all time periods.

NMFS also anticipates that some underharvest of the 2020 adjusted U.S. BFT quota will be carried forward to 2021 and placed in the Reserve category, in accordance with the regulations, later this year. This, in addition to the fact that any unused General category quota will roll forward to the next subperiod within the calendar year and NMFS' plan to actively manage the subquotas to avoid any exceedances, makes it likely that General category quota will remain available through the end of 2021 for December fishery participants. NMFS also may transfer unused quota from the Reserve or other categories, inseason, based on consideration of the determination criteria, as it did in 2020 (*i.e.,* transferred 111.6 mt from the Reserve category effective September 17, 2020 (85 FR 59445, September 22, 2020); 40 mt from the Reserve category effective October 9, 2020 (85 FR 64411,

October 13, 2020); 68.7 mt from the Reserve category effective October 26, 2020 (85 FR 68798, October 30, 2020); and 19.5 mt from the Reserve category effective December 1, 2020 (85 FR 75918, November 27, 2020).

NMFS anticipates that General category participants in all areas and time periods will have opportunities to harvest the General category quota in 2021, through active inseason management measures, such as retention limit adjustments and/or the timing of quota transfers (§ 635.27(a)(8)(viii)). Thus, this quota transfer would allow fishermen to take advantage of the availability of fish on the fishing grounds, taking into consideration the expected increases in available 2021 quota from carryforward later in the year, and provide a reasonable opportunity to harvest the full U.S. BFT quota, without precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota.

Based on the considerations above, NMFS is transferring 26 mt from the adjusted Reserve category to the General category for the January 2021 fishery, resulting in a subquota of 75 mt for the January 2021 fishery and 168 mt in the Reserve category.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landings reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional action (*e.g.,* quota adjustment, daily retention limit adjustment, or closure) is necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. As needed, NMFS will close the General category fishery when the adjusted January 2021 period subquota has been reached. Even if the adjusted subquota is not reached, the General category fishery will close automatically on March 31, 2021, and will remain closed until it reopens on June 1, 2021. Fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is consistent with regulations at 50 CFR part 635, which were issued pursuant to section 304(c) of the Magnuson-Stevens Act and the Atlantic Tunas Convention Act, and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of and an opportunity for public comment on, the transfer from the Reserve category to the General category for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason quota transfers to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. These fisheries are currently underway and the fishery would be closed absent the additional quota. Affording prior notice and opportunity for public comment to implement the quota transfer is impracticable and contrary to the public interest as such a delay would result in exceedance of the General category January 2021 subquota or earlier closure of the fishery while fish are available on the fishing grounds. This action does not raise conservation and management concerns. Transferring quota from the Reserve category to the General category does not affect the overall U.S. BFT quota, and available data shows the adjustment would have a minimal risk of exceeding the ICCAT-allocated quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota, measures to reallocate quota, and the inseason adjustment criteria. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 3, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–02513 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221–0062; RTID 0648–XA782]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 50 Feet (15.2 Meters) Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for catcher vessels less than 50 feet (15.2 meters (m)) length overall using hook-and-line (HAL) gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2021 total allowable catch (TAC) of catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 5, 2021, through 1200 hours, A.l.t., June 10, 2021.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2021 Pacific cod TAC apportioned to catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA is 945 metric tons (mt) as established by the final 2020 and 2021 harvest

specifications for groundfish in the GOA (85 FR 13802, March 10, 2020) and inseason adjustment (85 FR 83834, December 23, 2020).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2021 Pacific cod TAC apportioned to catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 900 mt and is setting aside the remaining 45 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 3, 2021.

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

Dated: February 4, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–02639 Filed 2–4–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 25
Tuesday, February 9, 2021

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

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 702

RIN 1240–AA13

Longshore and Harbor Workers' Compensation Act: Electronic Filing, Settlement, and Civil Money Penalty Procedures

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: On December 14, 2020, the Office of Workers' Compensation Programs (OWCP) published a notice of proposed rulemaking in the **Federal Register** proposing to revise regulations governing electronic filing and settlements, and establishing new procedures for assessing and adjudicating penalties under the Longshore and Harbor Workers' Compensation Act (LHWCA). Consistent with the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' OWCP is withdrawing the notice of proposed rulemaking.

DATES: As of February 9, 2021, the notice of proposed rulemaking published at 85 FR 80698 on December 14, 2020, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Antonio Rios, Director, Division of Federal Employees', Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, (202)–693–0040, *rios.antonio@dol.gov.* TTY/TDD callers may dial toll free 1–877–889–5627 for further information.

SUPPLEMENTARY INFORMATION: On December 14, 2020, OWCP published a notice of proposed rulemaking entitled *Longshore and Harbor Workers' Compensation Act: Electronic Filing, Settlement, and Civil Money Penalty Procedures,* 85 FR 80698. The proposed rule would revise the LHWCA regulations governing electronic filing and settlements, and establish new procedures for assessing and adjudicating penalties under the LHWCA. The comment period for the rule expires on February 12, 2021. OWCP simultaneously published a companion direct final rule. *See* 85 FR 80601 (Dec. 14, 2020).

A new administration assumed office on January 20, 2021. On that same date, the Assistant to the President and Chief of Staff issued a memorandum entitled ''Regulatory Freeze Pending Review'' to the Heads of Executive Departments and Agencies. 86 FR 7424 (Jan. 28, 2021). The purpose of the memorandum was ''to ensure that the President's appointees or designees have the opportunity to review any new or pending rules.'' *Id.* The memorandum directs agencies to consider pausing or delaying certain regulatory actions for the purpose of reviewing questions of fact, law, and policy raised therein. OWCP believes that the most efficient way to implement the memorandum in this instance is to withdraw the notice of proposed rulemaking. The proposed rule is at an early stage and the comment period is still running. Thus, the administrative record has not yet been fully developed. Withdrawing the proposed rule will give the new administration adequate time to review the rule and determine the approach it wants to take. Once that review is complete, OWCP plans to issue a new proposed rule and offer the public an opportunity to comment on the topics addressed at that time. OWCP is simultaneously withdrawing the companion direct final rule.

■ Accordingly, the notice of proposed rulemaking published in the **Federal Register** on December 14, 2020 (85 FR 80698) is withdrawn as of February 9, 2021.

Christopher J. Godfrey,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2021–02722 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–119890–18]

RIN 1545–BO92

Section 42, Low-Income Housing Credit Average Income Test Regulations; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to a proposed rule; notice of hearing.

SUMMARY: This document provides a notice of public hearing on proposed regulations setting forth guidance on the average income test for purposes of the low-income housing credit.

DATES: The public hearing is being held on Wednesday, March 24, 2021 at 12 p.m. The IRS must receive speakers' outlines of the topics to be discussed at the public hearing by Friday, March 5, 2021. If no outlines are received by March 5, 2021, the public hearing will be cancelled.

ADDRESSES: The public hearing is being held by teleconference. Individuals who want to testify (by telephone) at the public hearing must send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number [REG–119890–18] and the word TESTIFY. For example, the subject line may say: Request to TESTIFY at Hearing for REG–119890–18. The email must include the name(s) of the speaker(s) and title(s). Send outline submissions electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–119890–18). The email must be received by March 5, 2021.

FOR FURTHER INFORMATION CONTACT: Concerning these proposed regulations, Dillon Taylor or Michael J. Torruella Costa at (202) 317–4137; concerning submissions of comments, the hearing, and the access code to attend the hearing by teleconferencing, Regina Johnson at (202) 317–5177 (not toll-free numbers) or *publichearings@irs.gov.* If emailing please put Attend, Testify, or Agenda Request and [REG–119890–18] in the email subject line.

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction are under section 42 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed regulations (REG–119890–18) contains an error that needs to be corrected.

Correction of Publication

Accordingly, the proposed rule; notice of hearing (REG–119890–18) that was the subject of FR Doc. 2021–02146, published at 86 FR 7986 (Wednesday, February 3, 2021), is corrected to read as follows:

1. On page 7986, the third column, under the caption RIN, the language ''1545–BP92'' is corrected to read ''1545–BO92''.

Crystal Pemberton,

Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2021–02653 Filed 2–8–21; 8:45 am]

BILLING CODE 4830–01–P

POSTAL SERVICE

39 CFR Part 20

New Outbound Commercial Provider Initiative (OCPI) Program Information; Opportunity for Comments; Correction

AGENCY: Postal Service™.

ACTION: Advance notice of proposed rulemaking; invitation to comment; correction.

SUMMARY: The Postal Service published a document in the **Federal Register** of February 1, 2021, concerning an advance notification of and introduction to the Outbound Commercial Provider Initiative (OCPI) program. This document updates the expected implementation date of the OCPI program and adds an item to the list of examples of products that are not within the scope of the OCPI program.

DATES: February 9, 2021.

FOR FURTHER INFORMATION CONTACT: Frank Cebello, 202–268–8058; or *GlobalBusinessOCPI@usps.gov.*

ADDRESSES: Due to the current COVID–19 pandemic, comments in response to this document will only be accepted via email—any comments or communications sent via fax or mail will not be accepted.

When sending communication and comments related to the OCPI program, the following instructions and guidelines apply:

- All comments and questions should be sent to the Manager, International Products and Major Accounts, Global Business, at the following email address: *ProductClassification@usps.gov.*
- Communications must also include the following:
  - Subject Line: OCPI Program Advanced Notice Comments
  - Name of Sender

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are available for review Monday through Friday, 9 a.m. to 4 p.m., by calling 202–268–2906.

SUPPLEMENTARY INFORMATION:

Correction

In the advance notice of proposed rulemaking FR Doc. 2020–28968, beginning on page 7659 of the issue of February 1, 2021, make the following correction in the Supplementary Information section:

1. On page 7659, in the 3rd column, the date in the first sentence in the subsection labeled ''Overview'' is corrected to read ''April 30, 2021''.

2. On page 7660, in the first column, in the paragraph under the subsection labeled ''OCPI Program Country-Product Service Enhancements,'' the 3rd-from-last sentence is corrected to read ''Products such as FCMI letters and Flats, Military Mail, IPA, ISAL, and CeP are not within the scope of the OCPI program.''

Dated: February 3, 2021.

Joshua J. Hofer,

Attorney, Federal Compliance.

[FR Doc. 2021–02602 Filed 2–8–21; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0553; FRL–10017–24–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Erie Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Erie County, Pennsylvania Area (Erie Area). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0553 at *https://www.regulations.gov,* or via email to *Gordon.Mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at *Nichols.Serena@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 27, 2020, the PADEP submitted a revision to the Pennsylvania SIP to incorporate a plan for maintaining the 1997 ozone NAAQS in the Erie Area through November 8, 2027, in accordance with CAA section 175A.

I. Background

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979). On July 18, 1997 (62 FR 38856),[1] EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. EPA set the 1997 ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004 (69 FR 23858), EPA designated the Erie Area as nonattainment for the 1997 ozone NAAQS. The Erie Area consists solely of Erie County.

Once a nonattainment area has three years of complete and certified air quality data that has been determined to attain the NAAQS, and the area has met the other criteria outlined in CAA section 107(d)(3)(E),[2] the state can submit a request to EPA to redesignate the area to attainment. Areas that have been redesignated by EPA from nonattainment to attainment are referred to as ''maintenance areas.'' One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation, and it must contain such additional measures as necessary to ensure maintenance as well as contingency measures as necessary to assure that violations of the standard will be promptly corrected.

On October 9th, 2007 (72 FR 57207), EPA approved a redesignation request (and maintenance plan) from PADEP for the Erie Area. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years.

EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and provided that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 ozone NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[3] However, in *South Coast Air Quality Management District* v. *EPA*[4] (South Coast II), the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacated EPA's interpretation that, because of the revocation of the 1997 ozone standard, second maintenance plans were not required for ''orphan maintenance areas,'' (*i.e.,* areas like the Erie Area) that had been redesignated to attainment for the 1997 ozone NAAQS and were designated attainment for the 2008 ozone NAAQS. Thus, states with these ''orphan maintenance areas'' under the 1997 ozone NAAQS must submit maintenance plans for the second maintenance period.

As previously discussed, CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. The 1992 Calcagni Memo[5] provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory). See 1992 Calcagni Memo at p. 9. EPA further clarified in three subsequent guidance memos describing ''limited maintenance plans'' (LMPs)[6] that the requirements of CAA section 175A could be met by demonstrating that the area's design value[7] was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in the future. Specifically, EPA believes that if the most recent air quality design value for the area is at a level that is below 85% of the standard, or in this case below 0.071 ppm, then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Accordingly, on February 27, 2020, PADEP submitted an LMP for the Erie Area, following EPA's LMP guidance and demonstrating that the area will maintain the 1997 ozone NAAQS through November 8, 2027, *i.e.,* through the entire 20-year maintenance period.

II. Summary of SIP Revision and EPA Analysis

PADEP's February 27, 2020 SIP submittal outlines a plan for continued maintenance of the 1997 ozone NAAQS which addresses the criteria set forth in the 1992 Calcagni Memo as follows.

[1] In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

[2] The requirements of CAA section 107(d)(3)(E) include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[3] See 80 FR 12315 (March 6, 2015).

[4] 882 F.3d 1138 (D.C. Cir. 2018).

[5] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (1992 Calcagni Memo).

[6] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[7] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

A. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive and accurate inventory of actual emissions for an attainment year which identifies the level of emissions in the area which is sufficient to maintain the NAAQS. The inventory should be developed consistent with EPA's most recent guidance. For ozone, the inventory should be based on typical summer day's emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC), the precursors to ozone formation. In the first maintenance plan for the Erie Area, PADEP used 2004 for the attainment year inventory, because 2004 was one of the years in the 2004–2006 three-year period when the area first attained the 1997 ozone NAAQS.[8] The Erie Area continued to monitor attainment of the 1997 ozone NAAQS in 2014. Therefore, the emissions inventory from 2014 represents emissions levels conducive to continued attainment (*i.e.,* maintenance) of the NAAQS. Thus, PADEP is using 2014 as representing attainment level emissions for its second maintenance plan. Pennsylvania used 2014 summer day emissions from EPA's 2014 version 7.0 modeling platform as the basis for the 2014 inventory presented in Table 1.[9]

TABLE 1—2014 TYPICAL SUMMER DAY NO_X AND VOC EMISSIONS FOR THE ERIE AREA IN TONS/DAY

Source category	NO_X emissions	VOC emissions
Point	1.43	1.37
Nonpoint	6.50	14.13
Onroad	10.37	4.52
Nonroad	4.48	5.43

The data shown in Table 1 is based on the 2014 National Emissions Inventory (NEI) version 2.[10] The inventory addresses four anthropogenic emission source categories: Stationary (point) sources, stationary nonpoint (area) sources, nonroad mobile, and onroad mobile sources. Point sources are stationary sources that have the potential to emit more than 100 tons per year (tpy) of VOC, or more than 50 tpy of NO_X, and which are required to obtain an operating permit. Data are collected for each source at a facility and reported to PADEP. Examples of point sources include kraft mills, electrical generating units, and pharmaceutical factories. Nonpoint sources include emissions from equipment, operations, and activities that are numerous and in total have significant emissions. Examples include emissions from commercial and consumer products, portable fuel containers, home heating, repair and refinishing operations, and crematories. The onroad emissions sector includes emissions from engines used primarily to propel equipment on highways and other roads, including passenger vehicles, motorcycles, and heavy-duty diesel trucks. The nonroad emissions sector includes emissions from engines that are not primarily used to propel transportation equipment, such as generators, forklifts, and marine pleasure craft. EPA reviewed the emissions inventory submitted by PADEP and proposes to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

In order to attain the 1997 ozone NAAQS, the three-year average of the fourth-highest daily average ozone concentrations (design value, or ''DV'') at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the DV is 0.084 ppm or below. CAA section 175A requires a demonstration that the area will continue to maintain the NAAQS throughout the duration of the requisite maintenance period. Consistent with the prior guidance documents discussed previously in this document as well as EPA's November 20, 2018 ''Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans'' (2018 Resource Document),[11] EPA believes that if the most recent DV for the area is well below the NAAQS (*e.g.,* below 85%, or in this case below 0.071 ppm), the section 175A demonstration requirement has been met, provided that prevention of significant deterioration requirements, any control measures already in the SIP, and any Federal measures remain in place through the end of the second 10-year maintenance period (absent a showing consistent with section 110(l) that such measures are not necessary to assure maintenance).

There is one ambient air quality monitor in the Erie Area. For the purposes of demonstrating continued maintenance with the 1997 ozone NAAQS, PADEP provided 3-year DVs at the monitor located in the Erie Area from 2007 to 2018. This includes DVs for 2005–2007, 2006–2008, 2007–2009, 2008–2010, 2009–2011, 2010–2012, 2011–2013, 2012–2014, 2013–2015, 2014–2016, 2015–2017, and 2016–2018, which are shown in Table 2.[12] In addition, EPA has reviewed the most recent ambient air quality monitoring data for ozone in the Erie Area, as submitted by Pennsylvania and recorded in EPA's Air Quality System. The most recent DV (*i.e.,* 2017–2019) at the monitor located in the Erie Area is also shown in Table 2.[13]

TABLE 2—1997 OZONE NAAQS DESIGN VALUES IN PARTS PER MILLION FOR THE ERIE AREA

County	AQS Site ID	2005–2007	2006–2008	2007–2009	2008–2010	2009–2011	2010–2012	2011–2013	2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Erie	42–049–0003	.082	.078	.075	.072	.072	.076	.074	.071	.066	.066	.065	.064	0.062

As can be seen in Table 2, DVs at the monitor located in the Erie Area have been below 85% of the 1997 ozone NAAQS (*i.e.,* 0.071 ppm) since the 2013–2015 period. The DV for the 2017–2019 period at the monitor in the Erie

[8] For more information, see EPA's October 9, 2007 document proposing to redesignate the Erie Area to attainment for the 1997 ozone NAAQS (72 FR 57207).

[9] For more information, visit *https://www.epa.gov/sites/production/files/2018-11/ozone_1997_naaqs_emiss_inv_data_nov_19_2018_0.xlsx.*

[10] The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by EPA.

[11] This resource document is included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0553 and is also available at *https://www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naaqs_lmp_resource_document_nov_20_2018.pdf.*

[12] See also Table II–2 of PADEP's February 27, 2020 submittal, included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0553.

[13] This data is also included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0553 and is also available at *https://www.epa.gov/air-trends/air-quality-design-values#report.*

Area is 0.062 ppm, which is below 85% of the 1997 ozone NAAQS.

Additionally, states can support the demonstration of continued maintenance by showing stable or improving air quality trends. According to EPA's 2018 Resource Document, several kinds of analyses can be performed by states wishing to make such a showing. One approach is to take the most recent DV at a monitor located in the area and add the maximum design value increase (over one or more consecutive years) that has been observed in the area over the past several years. A sum that does not exceed the level of the 1997 ozone NAAQS may be a good indicator of expected continued attainment. As shown in Table 2 of this document, the largest increase in DVs at the monitor located in the Erie Area was 0.004 ppm, which occurred between the 2009–2011 (0.072 ppm) and 2010–2012 (0.076 ppm) DVs. Adding 0.004 ppm to the DV for the 2017–2019 period (0.062 ppm) results in 0.066 ppm, a sum that is still below the 1997 ozone NAAQS.

The Erie Area has maintained air quality levels well below the 1997 ozone NAAQS since the area first attained the NAAQS in 2006.[14] Additional supporting information that the area is expected to continue to maintain the standard can be found in projections of future year DVs that EPA recently completed to assist states with the development of interstate transport SIPs for the 2015 8-hour ozone NAAQS. Those projections, made for the year 2023, show that the DV at the monitor located in the Erie Area is expected to be 0.0611 ppm.[15] Therefore, EPA proposes to determine that future violations of the 1997 ozone NAAQS in the Erie Area are unlikely.

C. Continued Air Quality Monitoring and Verification of Continued Attainment

Once an area has been redesignated to attainment, the state remains obligated to maintain an air quality network in accordance with 40 CFR part 58, in order to verify the area's attainment status. In the February 27, 2020 submittal, PADEP commits to continue to operate their air monitoring network in accordance with 40 CFR part 58. PADEP also commits to track the attainment status of the Erie Area for the 1997 ozone NAAQS through the review of air quality and emissions data during the second maintenance period. This includes an annual evaluation of vehicles miles traveled and stationary source emissions data compared to the assumptions included in the LMP. PADEP also states that it will evaluate the periodic (*i.e.,* every three years) emission inventories prepared under EPA's Air Emission Reporting Requirements (40 CFR part 51, subpart A). Based on these evaluations, PADEP will consider whether any further emission control measures should be implemented for the Erie Area. EPA has analyzed the commitments in PADEP's submittal and is proposing to determine that they meet the requirements for continued air quality monitoring and verification of continued attainment.

D. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must require that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175(A)(d) of the CAA.

PADEP's February 27, 2020 submittal includes a contingency plan for the Erie Area. In the event that the fourth highest eight-hour ozone concentrations at a monitor in the Erie Area exceeds 0.084 ppm for two consecutive years, but prior to an actual violation of the NAAQS, PADEP will evaluate whether additional local emission control measures should be implemented that may prevent a violation of the NAAQS.[16] After analyzing the conditions causing the excessive ozone levels, evaluating the effectiveness of potential corrective measures, and considering the potential effects of Federal, state, and local measures that have been adopted but not yet implemented, PADEP will begin the process of implementing selected measures so that they can be implemented as expeditiously as practicable following a violation of the NAAQS. In the event of a violation, PADEP commits to adopting additional emission reduction measures as expeditiously as practicable in accordance with the schedule included in the contingency plan as well as the CAA and applicable Pennsylvania statutory requirements.

PADEP will use the following criteria when considering additional emission reduction measures to adopt to address a violation of the 1997 ozone NAAQS in the Erie Area: (1) Air quality analysis indicating the nature of the violation, including the cause, location, and source; (2) emission reduction potential, including extent to which emission generating sources occur in the nonattainment area; (3) timeliness of implementation in terms of the potential to return the area to attainment as expeditiously as practicable; and (4) costs, equity, and cost-effectiveness. The measures PADEP would consider pursuing for adoption in the Erie Area include, but are not limited to, those summarized in Table 3 of this document. If additional emission reductions are necessary, PADEP commits to adopt additional emission reduction measures to attain and maintain the 1997 ozone NAAQS. The contingency plan includes schedules for the adoption and implementation of both non-regulatory and regulatory contingency measures, including schedules for adopting potential land use planning strategies not listed in Table 3 of this document, which are summarized in Tables 4 and 5 respectively.

[14] As explained in EPA's July 25, 2007 document proposing to redesignate the Erie Area as attainment for the 1997 ozone NAAQS (72 FR 40776), the 2004–2006 DV for the Erie Area was 0.079 ppm.

[15] See U.S. EPA, ''Air Quality Modeling Technical Support Document for the Updated 2023 Projected Ozone Design Values,'' Office of Air Quality Planning and Standards, dated June 2018, available at *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-updated-2023-projected-ozone-design.*

[16] A violation of the NAAQS occurs when an area's 3-year design value exceeds the NAAQS.

TABLE 3—ERIE AREA SECOND MAINTENANCE PLAN CONTINGENCY MEASURES

Non-Regulatory Measures:
Voluntary diesel engine ''chip reflash'' (installation software to correct the defeat device option on certain heavy-duty diesel engines).
Diesel retrofit (including replacement, repowering or alternative fuel use) for public or private local onroad or offroad fleets.
Idling reduction technology for Class 2 yard locomotives.
Idling reduction technologies or strategies for truck stops, warehouses, and other freight-handling facilities.
Accelerated turnover of lawn and garden equipment, especially commercial equipment, including promotion of electric equipment.
Additional promotion of alternative fuel (*e.g.,* biodiesel) for home heating and agricultural use.
Regulatory Measures: [17]
Additional control on consumer products.[18]
Additional controls on portable fuel containers.[19]

TABLE 4—IMPLEMENTATION SCHEDULE FOR ERIE AREA NON-REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 2 months	PADEP will identify stakeholders for potential non-regulatory measures for further development.
Within 3 months	If funding is necessary, PADEP will identify potential sources of funding and the timeframe for when funds would be available.
Within 6 months	PADEP will work with the relevant planning commission(s) to identify potential land use planning strategies and projects with quantifiable and timely emission benefits. PADEP will also work with the Pennsylvania Department of Community and Economic Development and other state agencies to assist with these measures.
Within 9 months	If state loans or grants are required, PADEP will enter into agreements with implementing organizations. PADEP will also quantify projected emission benefits.
Within 12 months	PADEP will submit revised SIP to EPA.
Within 12–24 months	PADEP will implement strategies and projects.

TABLE 5—IMPLEMENTATION SCHEDULE FOR ERIE AREA REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 1 month	PADEP will submit request to begin regulatory development process.
Within 3 months	Request will be reviewed by the Air Quality Technical Advisory Committee (AQTAC), Citizens Advisory Council, and other advisory committees as appropriate.
Within 6 months	Environmental Quality Board (EQB) meeting/action.
Within 8 months	PADEP will publish regulatory measure in the Pennsylvania Bulletin for comment as proposed rulemaking.
Within 10 months	PADEP will hold a public hearing and comment period on proposed rulemaking.
Within 11 months	House and Senate Standing Committee and Independent Regulatory Review Commission (IRCC) comment on proposed rulemaking.
Within 13 months	AQTAC, Citizens Advisory Council, and other committees will review responses to comment(s), if applicable, and the draft final rulemaking.
Within 16 months	EQB meeting/action.
Within 17 months	The IRCC will take action on final rule.
Within 18 months	Attorney General's review/action.
Within 19 months	PADEP will publish the regulatory measure as a final rule in the Pennsylvania Bulletin and submit to EPA as a SIP revision. The regulation will become effective upon publication in the Pennsylvania Bulletin.

EPA proposes to find that the contingency plan included in PADEP's February 27, 2020 submittal satisfies the pertinent requirements of CAA section 175A(d). EPA notes that while six of the potential contingency measures included in the Commonwealth's second maintenance plan are non-regulatory, their inclusion among other measures is overall SIP-strengthening, and their inclusion does not alter EPA's proposal to find the LMP is fully approvable. EPA also finds that the submittal acknowledges Pennsylvania's continuing requirement to implement all pollution control measures that were contained in the SIP before redesignation of the Erie Area to attainment.

E. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA section 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and Transportation Improvement

[17] These regulatory measures were considered potential cost-effective and timely control strategies by the Ozone Transport Commission (OTC) as well as the Mid-Atlantic Regional Air Management Association and the Mid-Atlantic/Northeast Visibility Union. The OTC is a multi-state organization responsible for developing regional solutions to ground-level ozone pollution in the Northeast and Mid-Atlantic, including the development of model rules that member states may adopt. The OTC member states include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. For more information on the OTC, visit *https://otcair.org/index.asp.* To view the model rules developed by the OTC, including those for consumer products and portable fuel containers, visit *https://otcair.org/document.asp?fview=modelrules.*

[18] Pennsylvania's existing controls on consumer products are under 25 Pa. Code Chapter 130, Subchapters B and C (38 Pa.B. 5598). This contingency measure includes the adoption of additional controls on consumer products such as VOC limits for adhesive removers.

[19] Existing controls on portable fuel containers can be found under 40 CFR part 59, subpart F—Control of Evaporative Emissions From New and In-Use Portable Fuel Containers.

Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). An MVEB is defined as ''that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101).''

Under the conformity rule, LMP areas may demonstrate conformity without a regional emission analysis (40 CFR 93.109(e)). However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs, and projects. Specifically, for such determination, RTPs, TIPs, and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105 and 93.112) and transportation control measure implementation in the conformity rule provisions (40 CFR 93.113). Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of transportation plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved, they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115). The Erie Area remains under the obligation to meet the applicable conformity requirements for the 1997 ozone NAAQS.

III. Proposed Action

EPA's review of PADEP's February 27, 2020 submittal indicates that it meets all applicable CAA requirements, specifically the requirements of CAA section 175A. EPA is proposing to approve the second maintenance plan for the Erie Area as a revision to the Pennsylvania SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, proposing approval of Pennsylvania's second maintenance plan for the Erie Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02624 Filed 2–8–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0487; FRL–10018–69–Region 3]

Air Plan Approval; West Virginia; 2020 Amendments to West Virginia's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of West Virginia. This revision updates West Virginia's incorporation by reference of EPA's national ambient air quality standards (NAAQS) and the associated monitoring reference and equivalent methods. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0487 at *https://www.regulations.gov,* or via email to *Gordon.Mike@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located

outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at *Nichols.Serena@epa.gov*.

SUPPLEMENTARY INFORMATION: On June 5, 2020, the West Virginia Department of Environmental Protection (WVDEP) submitted a formal revision to its SIP pertaining to the amendments of Legislative Rule, 45CSR8–Ambient Air Quality Standards. The SIP submittal updates West Virginia's incorporation by reference of the NAAQS promulgated by EPA and found at 40 CFR part 50 and ambient air monitoring reference methods and equivalent methods promulgated by EPA and found at 40 CFR part 53 into West Virginia's legislative rules.

I. Summary of SIP Revision and EPA Analysis

WVDEP has historically chosen to incorporate by reference the Federal NAAQS, found at 40 CFR part 50, and the associated Federal ambient air monitoring reference methods and equivalent methods for these NAAQS found at 40 CFR part 53. When incorporating by reference these Federal regulations, WVDEP has specified that it is incorporating by reference these regulations as they existed on a certain date. The incorporation by reference of the NAAQS that is currently approved in the West Virginia SIP incorporates by reference 40 CFR parts 50 and 53 as they existed on June 1, 2018. West Virginia's June 5, 2020 SIP revision updates the State's incorporation by reference of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods, found in 40 CFR parts 50 and 53, respectively, as of June 1, 2019. Since the last West Virginia incorporation by reference of June 1, 2018, EPA: (1) Reviewed the primary NAAQS for sulfur oxides (SO_X), as required by CAA section 109(d), and retained the current 1-hour and annual sulfur dioxide (SO_2) NAAQS without revision; (2) designated one new equivalent method for measuring concentrations of ozone in the ambient air; (3) designated one new reference method for measuring concentrations of nitrogen dioxide in ambient air; and (4) designated one new reference method for measuring concentrations of carbon monoxide in ambient air. See 84 FR 9866 (March 18, 2019), 84 FR 11973 (March 29, 2019), 84 FR 50833 (September 26, 2019), and 84 FR 24508 (May 28, 2019).

The amendments to the legislative rule include changes to section 45–8–1 (General) and 45–8–3 (Adoption of Standards). The amendments update West Virginia's incorporation by reference of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods from June 1, 2018 to June 1, 2019. West Virginia is incorporating the Federal rules in 40 CFR parts 50 and 53 as they existed on June 1, 2019 into 45–8–1 and 45–8–3.

II. Proposed Action

EPA is proposing to approve the West Virginia SIP revision of June 5, 2020 updating the incorporation by reference of EPA's NAAQS and associated ambient air monitoring reference methods and equivalent methods. EPA is soliciting public comments on the update to West Virginia's incorporation by reference. Please note that EPA is not seeking public comment on the level of the NAAQS which West Virginia incorporated by reference into its regulations. An opportunity for public comment on the level of each individual NAAQS was given when EPA proposed each such NAAQS. Relevant comments will be considered before taking final action.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference 45CSR8, as effective on June 1, 2020. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a ''significant regulatory action'' under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, proposing to approve the West Virginia SIP revision updating its incorporation by reference of EPA's NAAQS and associated ambient air monitoring reference methods and equivalent methods, does not have tribal implications as specified by Executive

Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02616 Filed 2–8–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0488; FRL–10017–25–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Clearfield/Indiana Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Clearfield/Indiana, Pennsylvania Area. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0488 at *https://www.regulations.gov,* or via email to *Gordon.Mike@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at *Nichols.Serena@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 27, 2020, the PADEP submitted a revision to the Pennsylvania SIP to incorporate a plan for maintaining the 1997 ozone NAAQS in the Clearfield/Indiana Area through April 20, 2029, in accordance with CAA section 175A.

I. Background

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979). On July 18, 1997 (62 FR 38856),[1] EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. EPA set the 1997 ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004 (69 FR 23858), EPA designated the Clearfield/Indiana Area as nonattainment for the 1997 ozone NAAQS. The Clearfield/Indiana Area consists of Clearfield and Indiana Counties in Pennsylvania.

Once a nonattainment area has three years of complete and certified air quality data that has been determined to attain the NAAQS, and the area has met the other criteria outlined in CAA section 107(d)(3)(E),[2] the state can submit a request to EPA to redesignate the area to attainment. Areas that have been redesignated by EPA from nonattainment to attainment are referred to as ''maintenance areas.'' One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation, and it must contain such additional measures as necessary to ensure maintenance as well as contingency measures as necessary to assure that violations of the standard will be promptly corrected.

On March 19, 2009 (74 FR 11674), EPA approved a redesignation request (and maintenance plan) from PADEP for the Clearfield/Indiana Area. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years.

EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and provided that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 ozone NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[3] However, in *South Coast Air Quality Management District* v. *EPA*[4] (South Coast II), the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacated EPA's

[1] In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

[2] The requirements of CAA section 107(d)(3)(E) include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[3] See 80 FR 12315 (March 6, 2015).

[4] 882 F.3d 1138 (D.C. Cir. 2018).

interpretation that, because of the revocation of the 1997 ozone standard, second maintenance plans were not required for ''orphan maintenance areas,'' (*i.e.,* areas like the Clearfield/Indiana Area) that had been redesignated to attainment for the 1997 ozone NAAQS and were designated attainment for the 2008 ozone NAAQS. Thus, states with these ''orphan maintenance areas'' under the 1997 ozone NAAQS must submit maintenance plans for the second maintenance period.

As previously discussed, CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. The 1992 Calcagni Memo [5] provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory). See 1992 Calcagni Memo at p. 9. EPA further clarified in three subsequent guidance memos describing ''limited maintenance plans'' (LMPs) [6] that the requirements of CAA section 175A could be met by demonstrating that the area's design value [7] was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in the future. Specifically, EPA believes that if the most recent air quality design value for the area is at a level that is below 85% of the standard, or in this case below 0.071 ppm, then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Accordingly, on February 27, 2020, PADEP submitted the Clearfield/Indiana Area second maintenance plan, following EPA's LMP guidance and demonstrating that the area will maintain the 1997 ozone NAAQS through April 20, 2029, *i.e.,* through the entire 20-year maintenance period.

II. Summary of SIP Revision and EPA Analysis

PADEP's February 27, 2020 SIP submittal outlines a plan for continued maintenance of the 1997 ozone NAAQS which addresses the criteria set forth in the 1992 Calcagni Memo as follows.

A. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive and accurate inventory of actual emissions for an attainment year which identifies the level of emissions in the area which is sufficient to maintain the NAAQS. The inventory should be developed consistent with EPA's most recent guidance. For ozone, the inventory should be based on typical summer day's emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC), the precursors to ozone formation. In the first maintenance plan for the Clearfield/Indiana Area, PADEP used 2004 for the attainment year inventory, because 2004 was one of the years in the 2004–2006 three-year period when the area first attained the 1997 ozone NAAQS.[8] The Clearfield/Indiana Area continued to monitor attainment of the 1997 ozone NAAQS in 2014. Therefore, the emissions inventory from 2014 represents emissions levels conducive to continued attainment (*i.e.,* maintenance) of the NAAQS. Thus, PADEP is using 2014 as representing attainment level emissions for its second maintenance plan. Pennsylvania used 2014 summer day emissions from EPA's 2014 version 7.0 modeling platform as the basis for the 2014 inventory presented in Table 1.[9]

TABLE 1—2014 TYPICAL SUMMER DAY NO_X AND VOC EMISSIONS FOR THE CLEARFIELD/INDIANA AREA IN TONS/DAY

County	Source category	NO_X emissions	VOC emissions
Clearfield	Point	0.14	13.16
	Nonpoint	18.44	1.52
	Onroad	2.43	8.42
	Nonroad	1.30	0.67
Indiana	Point	0.73	105.90
	Nonpoint	43.89	2.00
	Onroad	1.70	3.47
	Nonroad	0.80	0.94

The data shown in Table 1 is based on the 2014 National Emissions Inventory (NEI) version 2.[10] The inventory addresses four anthropogenic emission source categories: Stationary (point) sources, stationary nonpoint (area) sources, nonroad mobile, and onroad mobile sources. Point sources are stationary sources that have the potential to emit more than 100 tons per year (tpy) of VOC, or more than 50 tpy of NO_X, and which are required to obtain an operating permit. Data are collected for each source at a facility and reported to PADEP. Examples of

[5] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (1992 Calcagni Memo).

[6] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[7] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

[8] For more information, see EPA's March 19, 2009 document proposing to redesignate the Clearfield/Indiana Area to attainment for the 1997 ozone NAAQS (73 FR 43733).

[9] For more information, visit *https://www.epa.gov/sites/production/files/2018-11/ozone_1997_naaqs_emiss_inv_data_nov_19_2018_0.xlsx.*

[10] The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by EPA.

point sources include kraft mills, electrical generating units, and pharmaceutical factories. Nonpoint sources include emissions from equipment, operations, and activities that are numerous and in total have significant emissions. Examples include emissions from commercial and consumer products, portable fuel containers, home heating, repair and refinishing operations, and crematories. The onroad emissions sector includes emissions from engines used primarily to propel equipment on highways and other roads, including passenger vehicles, motorcycles, and heavy-duty diesel trucks. The nonroad emissions sector includes emissions from engines that are not primarily used to propel transportation equipment, such as generators, forklifts, and marine pleasure craft. EPA reviewed the emissions inventory submitted by PADEP and proposes to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

In order to attain the 1997 ozone NAAQS, the three-year average of the fourth-highest daily average ozone concentration (design value, or ''DV'') at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the DV is 0.084 ppm or below. CAA section 175A requires a demonstration that the area will continue to maintain the NAAQS throughout the duration of the requisite maintenance period. Consistent with the prior guidance documents discussed previously in this document as well as EPA's November 20, 2018 ''Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans'' (2018 Resource Document),[11] EPA believes that if the most recent DV for the area is well below the NAAQS (*e.g.,* below 85%, or in this case below 0.071 ppm), the section 175A demonstration requirement has been met, provided that prevention of significant deterioration requirements, any control measures already in the SIP, and any Federal measures remain in place through the end of the second 10-year maintenance period (absent a showing consistent with section 110(l) that such measures are not necessary to assure maintenance).

For the purposes of demonstrating continued maintenance with the 1997 ozone NAAQS, PADEP provided 3-year DVs at monitors located in the Clearfield/Indiana Area from 2007 to 2018. This includes DVs at monitors for 2005–2007, 2006–2008, 2007–2009, 2008–2010, 2009–2011, 2010–2012, 2011–2013, 2012–2014, 2013–2015, 2014–2016, 2015–2017, and 2016–2018, which are shown in Table 2 of this document.[12] In addition, EPA has reviewed the most recent ambient air quality monitoring data for ozone in the Clearfield/Indiana Area, as submitted by Pennsylvania and recorded in EPA's Air Quality System. The most recent DVs (*i.e.,* 2017–2019) at monitors located in the Clearfield/Indiana Area are also shown in Table 2.[13]

TABLE 2—1997 OZONE NAAQS DESIGN VALUES IN PARTS PER MILLION FOR THE CLEARFIELD/INDIANA AREA

County	AQS site ID	2005–2007	2006–2008	2007–2009	2008–2010	2009–2011	2010–2012	2011–2013	2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Clearfield	42–033–4000	.076	.073	.071	.073	.072	.074	.071	.066	.065	.064	.066	.064	0.060
Indiana	42–063–0004	.080	.076	.073	.074	.073	.079	.075	.074	.071	.070	.070	.069	0.067

As can be seen in Table 2, DVs at all monitors located in the Clearfield/Indiana Area have been below 85% of the 1997 ozone NAAQS (*i.e.,* 0.071 ppm) since the 2014–2016 period. The highest DV for the 2017–2019 period at a monitor in the Clearfield/Indiana Area is 0.067 ppm, which is below 85% of the 1997 ozone NAAQS.

Additionally, states can support the demonstration of continued maintenance by showing stable or improving air quality trends. According to EPA's 2018 Resource Document, several kinds of analyses can be performed by states wishing to make such a showing. One approach is to take the most recent DV at a monitor located in the area and add the maximum design value increase (over one or more consecutive years) that has been observed in the area over the past several years. For an area with multiple monitors, the highest of the most recent DVs should be used. A sum that does not exceed the level of the 1997 ozone NAAQS may be a good indicator of expected continued attainment. As shown in Table 2 of this document, the largest increase in DVs at a monitor located in the Clearfield/Indiana Area was 0.006 ppm, which occurred between the 2009–2011 (0.073 ppm) and 2010–2012 (0.079 ppm) DVs at monitoring site 42–063–0004. Adding 0.006 ppm to the highest DV for the 2017–2019 period (0.067 ppm) results in 0.073 ppm, a sum that is still below the 1997 ozone NAAQS.

The Clearfield/Indiana Area has maintained air quality levels well below the 1997 ozone NAAQS since the area first attained the NAAQS in 2006.[14] Additional supporting information that the area is expected to continue to maintain the standard can be found in projections of future year DVs that EPA recently completed to assist states with the development of interstate transport SIPs for the 2015 8-hour ozone NAAQS. Those projections, made for the year 2023, show that the highest DV at a monitor located in the Clearfield/Indiana Area is expected to be 0.0654 ppm.[15] Therefore, EPA proposes to determine that future violations of the 1997 ozone NAAQS in the Clearfield/Indiana Area are unlikely.

C. Continued Air Quality Monitoring and Verification of Continued Attainment

Once an area has been redesignated to attainment, the state remains obligated to maintain an air quality network in accordance with 40 CFR part 58, in

[11] This resource document is included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0488 and is also available at *https://www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naaqs_lmp_resource_document_nov_20_2018.pdf.*

[12] See also Table II–2 of PADEP's February 27, 2020 submittal, included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0488.

[13] This data is also included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0488 and is also available at *https://www.epa.gov/air-trends/air-quality-design-values#report.*

[14] As explained in EPA's March 19, 2009 document proposing to redesignate the Clearfield/Indiana Area as attainment for the 1997 ozone NAAQS (74 FR 11674), the 2004–2006 DV for the Clearfield/Indiana Area was 0.077 ppm.

[15] See U.S. EPA, ''Air Quality Modeling Technical Support Document for the Updated 2023 Projected Ozone Design Values'', Office of Air Quality Planning and Standards, dated June 2018, available at *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-updated-2023-projected-ozone-design.*

order to verify the area's attainment status. In the February 27, 2020 submittal, PADEP commits to continue to operate their air monitoring network in accordance with 40 CFR part 58. PADEP also commits to track the attainment status of the Clearfield/Indiana Area for the 1997 ozone NAAQS through the review of air quality and emissions data during the second maintenance period. This includes an annual evaluation of vehicles miles traveled and stationary source emissions data compared to the assumptions included in the LMP. PADEP also states that it will evaluate the periodic (*i.e.,* every three years) emission inventories prepared under EPA's Air Emission Reporting Requirements (40 CFR part 51, subpart A). Based on these evaluations, PADEP will consider whether any further emission control measures should be implemented for the Clearfield/Indiana Area. EPA has analyzed the commitments in PADEP's submittal and is proposing to determine that they meet the requirements for continued air quality monitoring and verification of continued attainment.

D. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must require that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175(A)(d) of the CAA.

PADEP's February 27, 2020 submittal includes a contingency plan for the Clearfield/Indiana Area. In the event that the fourth highest eight-hour ozone concentration at a monitor in the Clearfield/Indiana Area exceeds 0.084 ppm for two consecutive years, but prior to an actual violation of the NAAQS, PADEP will evaluate whether additional local emission control measures should be implemented that may prevent a violation of the NAAQS.[16] After analyzing the conditions causing the excessive ozone levels, evaluating the effectiveness of potential corrective measures, and considering the potential effects of Federal, state, and local measures that have been adopted but not yet implemented, PADEP will begin the process of implementing selected measures so that they can be implemented as expeditiously as practicable following a violation of the NAAQS. In the event of a violation, PADEP commits to adopting additional emission reduction measures as expeditiously as practicable in accordance with the schedule included in the contingency plan as well as the CAA and applicable Pennsylvania statutory requirements.

PADEP will use the following criteria when considering additional emission reduction measures to adopt to address a violation of the 1997 ozone NAAQS in the Clearfield/Indiana Area: (1) Air quality analysis indicating the nature of the violation, including the cause, location, and source; (2) emission reduction potential, including extent to which emission generating sources occur in the nonattainment area; (3) timeliness of implementation in terms of the potential to return the area to attainment as expeditiously as practicable; and (4) costs, equity, and cost-effectiveness. The measures PADEP would consider pursuing for adoption in the Clearfield/Indiana Area include, but are not limited to, those summarized in Table 3 of this document. If additional emission reductions are necessary, PADEP commits to adopt additional emission reduction measures to attain and maintain the 1997 ozone NAAQS.

TABLE 3—CLEARFIELD/INDIANA AREA SECOND MAINTENANCE PLAN CONTINGENCY MEASURES

Non-Regulatory Measures:
Voluntary diesel engine ''chip reflash'' (installation software to correct the defeat device option on certain heavy-duty diesel engines).
Diesel retrofit (including replacement, repowering or alternative fuel use) for public or private local onroad or offroad fleets.
Idling reduction technology for Class 2 yard locomotives.
Idling reduction technologies or strategies for truck stops, warehouses, and other freight-handling facilities.
Accelerated turnover of lawn and garden equipment, especially commercial equipment, including promotion of electric equipment.
Additional promotion of alternative fuel (*e.g.,* biodiesel) for home heating and agricultural use.
Regulatory Measures: [17]
Additional control on consumer products.[18]
Additional controls on portable fuel containers.[19]

The contingency plan includes schedules for the adoption and implementation of both non-regulatory and regulatory contingency measures, including schedules for adopting potential land use planning strategies not listed in Table 3 of this document, which are summarized in Tables 4 and 5 of this document, respectively.

[16] A violation of the NAAQS occurs when an area's 3-year design value exceeds the NAAQS.

[17] These regulatory measures were considered potential cost-effective and timely control strategies by the Ozone Transport Commission (OTC) as well as the Mid-Atlantic Regional Air Management Association and the Mid-Atlantic/Northeast Visibility Union. The OTC is a multi-state organization responsible for developing regional solutions to ground-level ozone pollution in the Northeast and Mid-Atlantic, including the development of model rules that member states may adopt. The OTC member states include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. For more information on the OTC, visit *https://otcair.org/index.asp*. To view the model rules developed by the OTC, including those for consumer products and portable fuel containers, visit *https://otcair.org/document.asp?fview=modelrules.*

[18] Pennsylvania's existing controls on consumer products are under 25 Pa. Code Chapter 130, Subchapters B and C (38 Pa.B. 5598). This contingency measure includes the adoption of additional controls on consumer products such as VOC limits for adhesive removers.

[19] Existing controls on portable fuel containers can be found under 40 CFR part 59, subpart F—Control of Evaporative Emissions From New and In-Use Portable Fuel Containers.

TABLE 4—IMPLEMENTATION SCHEDULE FOR CLEARFIELD/INDIANA AREA NON-REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 2 months	PADEP will identify stakeholders for potential non-regulatory measures for further development.
Within 3 months	If funding is necessary, PADEP will identify potential sources of funding and the timeframe for when funds would be available.
Within 6 months	PADEP will work with the relevant planning commission(s) to identify potential land use planning strategies and projects with quantifiable and timely emission benefits. PADEP will also work with the Pennsylvania Department of Community and Economic Development and other state agencies to assist with these measures.
Within 9 months	If state loans or grants are required, PADEP will enter into agreements with implementing organizations. PADEP will also quantify projected emission benefits.
Within 12 months	PADEP will submit revised SIP to EPA.
Within 12–24 months	PADEP will implement strategies and projects.

TABLE 5—IMPLEMENTATION SCHEDULE FOR CLEARFIELD/INDIANA AREA REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 1 month	PADEP will submit request to begin regulatory development process.
Within 3 months	Request will be reviewed by the Air Quality Technical Advisory Committee (AQTAC), Citizens Advisory Council, and other advisory committees as appropriate.
Within 6 months	Environmental Quality Board (EQB) meeting/action.
Within 8 months	PADEP will publish regulatory measure in the Pennsylvania Bulletin for comment as proposed rulemaking.
Within 10 months	PADEP will hold a public hearing and comment period on proposed rulemaking.
Within 11 months	House and Senate Standing Committee and Independent Regulatory Review Commission (IRCC) comment on proposed rulemaking.
Within 13 months	AQTAC, Citizens Advisory Council, and other committees will review responses to comment(s), if applicable, and the draft final rule.
Within 16 months	EQB meeting/action.
Within 17 months	The IRCC will take action on final rule.
Within 18 months	Attorney General's review/action.
Within 19 months	PADEP will publish the regulatory measure as a final rule in the Pennsylvania Bulletin and submit to EPA as a SIP revision. The regulation will become effective upon publication in the Pennsylvania Bulletin.

EPA proposes to find that the contingency plan included in PADEP's February 27, 2020 submittal satisfies the pertinent requirements of CAA section 175A(d). EPA notes that while six of the potential contingency measures included in the Commonwealth's second maintenance plan are non-regulatory, their inclusion among other measures is overall SIP-strengthening, and their inclusion does not alter EPA's proposal to find the LMP is fully approvable. EPA also finds that the submittal acknowledges Pennsylvania's continuing requirement to implement all pollution control measures that were contained in the SIP before redesignation of the Clearfield/Indiana Area to attainment.

E. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). An MVEB is defined as ''that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101).''

Under the conformity rule, LMP areas may demonstrate conformity without a regional emission analysis (40 CFR 93.109(e)). However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs, and projects. Specifically, for such determination, RTPs, TIPs, and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105 and 93.112) and transportation control measure implementation in the conformity rule provisions (40 CFR 93.113).

Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of transportation plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved, they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115). The Clearfield/Indiana Area remains under the obligation to meet the applicable conformity requirements for the 1997 ozone NAAQS.

III. Proposed Action

EPA's review of PADEP's February 27, 2020 submittal indicates that it meets all applicable CAA requirements, specifically the requirements of CAA section 175A. EPA is proposing to approve the second maintenance plan for the Clearfield/Indiana Area as a revision to the Pennsylvania SIP. EPA is soliciting public comments on the issues discussed in this document.

These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, proposing approval of Pennsylvania's second maintenance plan for the Clearfield/Indiana Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02582 Filed 2–8–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0489; FRL10018–20–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Nonattainment New Source Review Requirements for 2015 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Department of Energy and Environment (DOEE) of the District of Columbia. This SIP revision will fulfill the District of Columbia's Nonattainment New Source Review (NNSR) SIP element requirement for the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0489 at *https://www.regulations.gov,* or via email to *Opila.MaryCate@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Matthew Willson, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5795. Mr. Willson can also be reached via electronic mail at *Willson.Matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 5, 2020, the DOEE submitted on behalf of the District of Columbia (District) a formal SIP revision, requesting EPA's approval of its NNSR Certification for the 2015 8-hour ozone NAAQS. The District is certifying that its existing NNSR program, covering the District portion of the Washington, DC-MD-VA Nonattainment Area (Washington Area) for the 2015 8-hour ozone NAAQS, is at least as stringent as the requirements at 40 Code of Federal Regulations (CFR) 51.165, as amended by the final rule titled ''Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements'' (SIP Requirements Rule), for ozone and its precursors. See 83 FR 62998 (December 6, 2018).

I. Background

On October 1, 2015, EPA promulgated a revised 8-hour ozone NAAQS of 0.070 parts per million (ppm). 80 FR 65292 (October 26, 2015). Under EPA's regulations at 40 CFR 50.19, the 2015 8-hour ozone NAAQS is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone

concentration is less than or equal to 0.070 ppm.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Washington Area was classified as marginal nonattainment for the 2015 8-hour ozone NAAQS on June 4, 2018 (effective August 3, 2018) using 2014–2016 ambient air quality data. 83 FR 25776. On December 6, 2018, EPA issued the final SIP Requirements Rule, which establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2015 8-hour ozone NAAQS. 80 FR 65291, October 26, 2015. Areas that were designated as marginal ozone nonattainment areas are required to attain the 2015 8-hour ozone NAAQS no later than August 3, 2021. 40 CFR 51.1303 and 83 FR 10376, March 9, 2018.

Based on initial nonattainment designations for the 2015 8-hour ozone NAAQS, as well as the December 6, 2018 final SIP Requirements Rule, the District was required to develop a SIP revision addressing certain CAA requirements for the Washington Area, and submit to EPA a NNSR Certification SIP or SIP revision no later than 36 months after the effective date of area designations for the 2015 8-hour ozone NAAQS (*i.e.,* August 3, 2021). See 83 FR 62998 (December 6, 2018). EPA is proposing to approve the District's May 5, 2020 NNSR Certification SIP revision. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2015 8-hour ozone NAAQS is provided in Section II of this document below.

II. Summary of SIP Revision and EPA Analysis

This rulemaking is specific to the District's NNSR requirements. NNSR is a preconstruction review permit program that applies to new major stationary sources or major modifications at existing sources located in a nonattainment area. The specific NNSR requirements for the ozone NAAQS are located in 40 CFR 51.160 through 51.165.

The minimum SIP requirements for NNSR permitting programs for the 2015 8-hour ozone NAAQS are set forth in 40 CFR 51.165. These NNSR program requirements include those promulgated in the ''Phase 2 Rule'' implementing the 1997 8-hour ozone NAAQS (70 FR 71611 (November 29, 2005)), the 2008 Ozone NAAQS SIP implementation Rule (80 FR 12264, March 6, 2015) and the 2015 SIP Requirements Rule (83 FR 62998, December 6, 2018). Under the Phase 2 Rule, the SIP for each ozone nonattainment area must contain NNSR provisions that: Set major source thresholds for oxides of nitrogen (NO_X) and volatile organic compounds (VOC) pursuant to 40 CFR 51.165(a)(1)(iv)(A)(*1*)(*i*)–(*iv*) and (2); classify physical changes as a major source if the change would constitute a major source by itself pursuant to 40 CFR 51.165(a)(1)(iv)(A)(3); consider any significant net emissions increase of NO_X as a significant net emissions increase for ozone pursuant to 40 CFR 51.165(a)(1)(v)(E); consider certain increases of VOC emissions in extreme ozone nonattainment areas as a significant net emissions increase and a major modification for ozone pursuant to 40 CFR 51.165(a)(1)(v)(F); set significant emissions rates for VOC and NO_X as ozone precursors pursuant to 40 CFR 51.165(a)(1)(x)(A)–(C) and (E); contain provisions for emissions reductions credits pursuant to 40 CFR 51.165(a)(3)(ii)(C)(*1*)–(*2*); provide that the requirements applicable to VOC also apply to NO_X pursuant to 40 CFR 51.165(a)(8); and set offset ratios for VOC and NO_X pursuant to 40 CFR 51.165(a)(9).

The District's SIP approved NNSR program, established in Chapters 1 (Air Quality—General Rules) and 2 (Air Quality—General and Nonattainment Area Permits) in Title 20 of the District of Columbia Municipal Regulations (DCMR), apply to the construction and modification of major stationary sources in nonattainment areas. In its May 23, 2018 SIP revision, the District certifies that the versions of 20 DCMR Chapters 1 and 2 approved in the SIP are at least as stringent as the Federal NNSR requirements for the Washington Area. EPA last approved revisions to the District's major NNSR SIP on March 19, 2015. In that action, EPA approved revisions to the District's SIP which made DOEE's NNSR program consistent with Federal requirements. 80 FR 14310, March 19, 2015.

Title 20 DCMR section 199 and the District's SIP adequately addresses 40 CFR 51.165(a)(1)(iv)(A)(*1*), because the definition of ''major stationary source'' in 20 DCMR section 199 includes a threshold of 25 tons per year or more of NO_X or VOC in any nonattainment area for ozone, which is equivalent to the NNSR thresholds for severe ozone nonattainment areas. Although the Washington Area is classified as a marginal nonattainment area for the 2015 8-hour ozone NAAQS, due to anti-backsliding provisions set forth in 40 CFR 51.905 and its prior classification as a severe area under the 1979 1-hour ozone NAAQS, the Washington Area retains the severe area thresholds for the purposes of NNSR.

The District has chosen not to include certain optional NNSR provisions that EPA could approve, pertaining to emissions reduction credits, inter-pollutant trading programs and Prevention of Significant Deterioration. The District's choice not to include these provisions does not affect EPA's determination regarding the approvability of its May 5, 2020 submittal, and they will not be discussed in this rulemaking.

III. Proposed Action

EPA's review of this material indicates that the District's submission fulfills the 40 CFR 51.1114 revision requirement, meets the requirements of CAA sections 110 and 172 and the minimum SIP requirements of 40 CFR 51.165. EPA is proposing to approve the District of Columbia's SIP revision addressing the NNSR requirements for the 2015 8-hour ozone NAAQS for the Washington Area, which was submitted on May 5, 2020. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, approving the District's 20015 8-hour ozone NAAQS Certification SIP revision for NNSR, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Transportation, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02585 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0319; FRL–10017–12–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the York-Adams Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the York-Adams Area. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0319 at *https://www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Keila M. Pagán-Incle, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2926. Ms. Pagán-Incle can also be reached via electronic mail at *pagan-incle.keila@epa.gov.*

SUPPLEMENTARY INFORMATION: On March 10, 2020, the PADEP submitted a revision to the Pennsylvania SIP to incorporate a plan for maintaining the 1997 ozone NAAQS through February 13, 2028 in accordance with CAA section 175A.

I. Background

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979). On July 18, 1997 (62 FR 38856),[1] EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. EPA set the 1997 ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004 (69 FR 23858), EPA designated the York-Adams Area as nonattainment for the 1997 ozone NAAQS.

Once a nonattainment area has three years of complete and certified air quality data that has been determined to attain the NAAQS, and the area has met the other criteria outlined in CAA section 107(d)(3)(E),[2] the state can submit a request to EPA to redesignate the area to attainment. Areas that have

[1] In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

[2] The requirements of CAA section 107(d)(3)(E) include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

been redesignated by EPA from nonattainment to attainment are referred to as ''maintenance areas.'' One of the criteria for redesignation is to have an approved maintenance plan, under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation, and it must contain such additional measures as necessary to ensure maintenance as well as contingency measures as necessary to assure that violations of the standard will be promptly corrected.

On January 14, 2008 (73 FR 2163 effective February 13, 2008), EPA approved a redesignation request (and maintenance plan) from PADEP for the York-Adams Area. In accordance with CAA section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years.

EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and provided that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 ozone NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[3] However, in *South Coast Air Quality Management District* v. *EPA*[4] (South Coast II), the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacated EPA's interpretation that, because of the revocation of the 1997 ozone standard, second maintenance plans were not required for ''orphan maintenance areas,'' (*i.e.,* areas like the York-Adams Area) that had been redesignated to attainment for the 1997 ozone NAAQS and were designated attainment for the 2008 ozone NAAQS. Thus, states with these ''orphan maintenance areas'' under the 1997 ozone NAAQS must submit maintenance plans for the second maintenance period.

As previously discussed, CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. The 1992 Calcagni Memo[5] provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory). See 1992 Calcagni Memo at p. 9. EPA further clarified in three subsequent guidance memos describing ''limited maintenance plans'' (LMPs)[6] that the requirements of CAA section 175A could be met by demonstrating that the area's design value[7] was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in the future. Specifically, EPA believes that if the most recent air quality design value for the area is at a level that is below 85% of the standard, or in this case below 0.071 ppm, then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Accordingly, on March 10, 2020, PADEP submitted the York-Adams Area second maintenance plan, following the LMP guidance, and demonstrating that the area will maintain the 1997 ozone NAAQS through February 13, 2028, *i.e.,* through the entire 20-year maintenance period.

II. Summary of SIP Revision and EPA Analysis

PADEP's March 10, 2020 SIP submittal outlines a plan for continued maintenance of the 1997 ozone NAAQS which addresses the criteria set forth in the Calcagni memo as follows.

A. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive and accurate inventory of actual emissions for an attainment year which identifies the level of emissions in the area which is sufficient to maintain the NAAQS. The inventory should be developed consistent with EPA's most recent guidance. For ozone, the inventory should be based on typical summer day's emissions of oxides of nitrogen (NO_X) and volatile organic compounds (VOC), the precursors to ozone formation. In the first maintenance plan for the York-Adams Area, PADEP used 2004 for the attainment year inventory, because 2004 was one of the years in the 2004–2006 three-year period when the area first attained the 1997 ozone NAAQS.[8] The York-Adams Area continued to monitor attainment of the 1997 ozone NAAQS in 2014. Therefore, the emissions inventory from 2014 represents emissions levels conducive to continued attainment (*i.e.,* maintenance) of the NAAQS. Thus, PADEP is using 2014 as representing attainment level emissions for its second maintenance plan. Pennsylvania used 2014 summer day emissions from EPA's 2014 version 7.0 modeling platform as the basis for the 2014 inventory presented in Table 1.[9]

TABLE 1—2014 TYPICAL SUMMER DAY VOC AND NO_X EMISSIONS (tons/day) FOR YORK-ADAMS AREA

County	Source category	VOC emissions	NO_X emissions
Adams	Point	0.18	0.54
	Nonpoint	6.16	1.23
	Onroad	2.51	4.85
	Nonroad	2.18	1.28
York	Point	2.92	33.14

[3] See 80 FR 12315 (March 6, 2015).

[4] 882 F.3d 1138 (D.C. Cir. 2018).

[5] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (1992 Calcagni Memo).

[6] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[7] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

[8] For more information, see EPA's October 24, 2007 notice proposing to redesignate the York (York and Adams Counties) Area to attainment for the 1997 8-hour ozone NAAQS (72 FR 60296).

[9] For more information, visit *https://www.epa.gov/sites/production/files/2018-11/ozone_1997_naaqs_emiss_inv_data_nov_19_2018_0.xlsx.*

TABLE 1—2014 TYPICAL SUMMER DAY VOC AND NO_X EMISSIONS (tons/day) FOR YORK-ADAMS AREA—Continued

County	Source category	VOC emissions	NO_X emissions
	Nonpoint	22.55	6.18
	Onroad	8.15	15.33
	Nonroad	3.66	4.70
Total		48.31	67.25

The data shown in Table 1 is based on the 2014 National Emissions Inventory (NEI) version 2.[10] The inventory addresses four anthropogenic emission source categories: Stationary (point) sources, stationary nonpoint (area) sources, nonroad mobile, and onroad mobile sources. Point sources are stationary sources that have the potential to emit (PTE) more than 100 tons per year (tpy) of VOC, or more than 50 tpy of NO_X, and which are required to obtain an operating permit. Data are collected for each source at a facility and reported to PADEP. Examples of point sources include kraft mills, electrical generating units (EGUs), and pharmaceutical factories. Nonpoint sources include emissions from equipment, operations, and activities that are numerous and in total have significant emissions. Examples include emissions from commercial and consumer products, portable fuel containers, home heating, repair, and refinishing operations, and crematories. The onroad emissions sector includes emissions from engines used primarily to propel equipment on highways and other roads, including passenger vehicles, motorcycles, and heavy-duty diesel trucks. The nonroad emissions sector includes emissions from engines that are not primarily used to propel transportation equipment, such as generators, forklifts, and marine pleasure craft. EPA reviewed the emissions inventory submitted by PADEP and proposes to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance under CAA section 175A(b).

B. Maintenance Demonstration

In order to attain the 1997 ozone NAAQS, the three-year average of the fourth-highest daily average ozone concentrations (design value or ''DV'') at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the DV is 0.084 ppm or below. CAA section 175A requires a demonstration that the area will continue to maintain the NAAQS throughout the duration of the requisite maintenance period. Consistent with the prior guidance documents discussed previously in this document as well as EPA's November 20, 2018 ''Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans'' (2018 Resource Document),[11] EPA believes that if the most recent DV for the area is well below the NAAQS (*e.g.* below 85%, or in this case below 0.071 ppm), the section 175A demonstration requirement has been met, provided that Prevention of Significant Deterioration (PSD) requirements, any control measures already in the SIP, and any Federal measures remain in place through the end of the second 10-year maintenance period (absent a showing consistent with section 110(1) that such measures are not necessary to assure maintenance).

For the purposes of demonstrating continued maintenance with the 1997 ozone NAAQS, PADEP provided 3-year DVs for the York-Adams Area from 2007 to 2018. This includes DVs for 2005–2007, 2006–2008, 2007–2009, 2008–2010, 2009–2011, 2010–2012, 2011–2013, 2012–2014, 2013–2015, 2014–2016, 2015–2017, and 2016–2018, which are shown in Table 2 of this document.[12] In addition, EPA has reviewed the most recent ambient air quality monitoring data for ozone in the York-Adams Area, as submitted by Pennsylvania and recorded in EPA's Air Quality System (AQS). The most recent DV (*i.e.* 2017–2019) at monitors located in the York-Adams Area are also shown in Table 2.[13] There currently are four operating monitoring sites in the York-Adams Area, two in York County and two in Adams County. Please note that a third monitor in Adams County (monitor 42–001–0002), was discontinued on July 31, 2011. As can be seen in Table 2 of this document, DVs at all monitors located in the York-Adams Area have been well below 85% of the 1997 ozone NAAQS (*i.e.,* 0.071 ppm) since the 2012–2014 period. The highest DV for the 2017–2019 period at a monitor in the York-Adams Area is 0.064 ppm, which is well below 85% of the 1997 ozone NAAQS.

[10] The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by EPA.

[11] This resource document is included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0319 and is also available at *https://www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naaqs_lmp_resource_document_nov_20_2018.pdf.*

[12] See also Table II–2 of PADEP's March 10, 2020 submittal, included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0319.

[13] This data is also included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0319 and is also available at *https://www.epa.gov/air-trends/air-quality-design-values#report.*

TABLE 2—RECENT 1997 OZONE NAAQS DESIGN VALUES (ppm) AT MONITORING SITES IN THE YORK-ADAMS AREA

County	AQS Site ID	2005–2007	2006–2008	2007–2009	2008–2010	2009–2011	2010–2012	2011–2013	2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Adams	42–001–0001	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	[a] 0.066	0.067	0.064
Adams	42–001–0002	0.078	0.077	0.073	[b] 0.071	.....	.....	.....	.....	.....	.....	.....	.....	.....
Adams	42–001–9991	.....	.....	.....	.....	.....	.....	.....	[c] 0.067	0.065	0.067	0.066	0.066	0.062
York	42–133–0008	0.083	0.080	0.077	0.074	0.071	0.073	0.072	0.069	0.066	0.066	0.066	0.065	0.063
York	42–133–0011	.....	.....	.....	[d] 0.073	0.072	0.076	0.074	0.070	0.068	0.070	0.070	0.067	0.061

[a] Monitor 42–001–0001 began operation on November 1, 2014, with 2017 being the first valid DV.
[b] Monitor 42–001–0002 was discontinued on July 31, 2011, with 2010 being the last valid DV.
[c] Monitor 42–001–9991 began operation in January 2011, with 2014 being the first valid DV.
[d] Monitor 42–133–0011 began operation on April 22, 2008, with 2010 being the first valid DV.

Additionally, states can support the demonstration of continued maintenance by showing stable or improving air quality trends. According to EPA's 2018 Resource Document, several kinds of analyses can be performed by states wishing to make such a showing. One approach is to take the most recent DV for the area and add the maximum DV increase (over one or more consecutive years) that has been observed in the area over the past several years. A sum that does not exceed the level of the 1997 ozone NAAQS may be a good indicator of expected continue attainment. As shown in Table 2 in this document, the largest increases in DVs from 2007 to 2019 was 0.04 ppm, which occurred between the 2011–2013 (0.074 ppm) and 2012–2014 (0.070 ppm) DVs at the monitor located in York County (AQS ID 42–133–0011). Adding 0.004 ppm to the highest DV for the 2017–2019 period (0.064 ppm) results in 0.068 ppm, a sum that is still below the 1997 ozone NAAQS.

The York-Adams Area has maintained the air quality levels well below the 1997 ozone NAAQS since the Area first attained the NAAQS in 2006.[14] Additional supporting information that the Area is expected to continue to maintain the standard can be found in projections of future year DVs that EPA recently completed to assist states with the development of interstate transport SIPs for the 2015 8-hour ozone NAAQS. Those projections, made for the year 2023, show that the average DV for the York-Adams Area is projected to be 0.058 ppm.[15] Therefore, EPA proposes to determine that future violations of the 1997 ozone NAAQS in the York-Adams Area are unlikely.

C. Continues Air Quality Monitoring and Verification of Continue Attainment

Once an area has been redesignated to attainment, the state remains obligated to maintain an air quality network in accordance with 40 CFR part 58, in order to verify the area's attainment status. In the March 10, 2020 submittal, PADEP commits to continue to operate their air monitoring network in accordance with 40 CFR part 58. PADEP also commits to track the attainment status of the York-Adams Area for the 1997 ozone NAAQS through the review of air quality and emissions data during the second maintenance period. This includes an annual evaluation of vehicles miles traveled (VMT) and stationary source emissions data compared to the assumptions included in the LMP. PADEP also states that it will also evaluate the periodic (*i.e.,* every three years) emissions inventory prepared under EPA's Air Emission Reporting Requirements (40 CFR part 51, subpart A). Based on these evaluations, PADEP will consider whether any further emission control measures should be implemented for the York-Adams Area. EPA has analyzed the commitments in PADEP's submittal and is proposing to determine that they meet the requirements for continued air quality monitoring and verification of continued attainment.

D. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must require that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175(A)(d) of the CAA.

PADEP's March 10, 2020 submittal includes a contingency plan for the York-Adams Area. In the event that the fourth highest 8-hour ozone concentrations at a monitor in the York-Adams Area exceeds 84 ppb (equivalent to 0.084 ppm) for two consecutive years, but prior to an actual violation of the NAAQS, PADEP will evaluate whether additional local emission control measures should be implemented that may prevent a violation of the NAAQS.[16] After analyzing the conditions causing the excessive ozone levels, evaluating the effectiveness of potential corrective measures, and considering the potential effects of Federal, state, and local measures that have been adopted but not yet implemented, PADEP will begin the process of implementing selected measures so that they can be implemented as expeditiously as practicable following a violation of the NAAQS. In the event of a violation, PADEP commits to adopting additional emission reduction measures as expeditiously as practicable in accordance with the schedule included in the contingency plan as well as the CAA and applicable Pennsylvania statutory requirements.

PADEP will use the following criteria when considering additional emission reduction measures to adopt to address a violation of the 1997 ozone NAAQS in the York-Adams Area: (1) Air quality analysis indicating the nature of the violation, including the cause, location, and source; (2) emission reduction

[14] As explained in EPA's October 24, 2007 notice proposing to redesignate the York-Adams Area as attainment for the 1997 ozone NAAQS (72 FR 60296), the 2004–2006 average DV for the York-Adams Area was 0.081 ppm.

[15] See U.S. EPA, ''Air Quality Modeling Technical Support Document for the Updated 2023 Projected Ozone Design Values'', Office of Air Quality Planning and Standards, dated June 2018, available at *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-updated-2023-projected-ozone-design.*

[16] A violation of the NAAQS occurs when an area's 3-year design value exceeds the NAAQS.

potential, including extent to which emission generating sources occur in the nonattainment area; (3) timeliness of implementation in terms of the potential to return the area to attainment as expeditiously as practicable; and (4) costs, equity, and cost-effectiveness. The measures PADEP would consider pursuing for adoption in the York-Adams Area include, but are not limited to, those summarized in Table 3 of this document. If additional emission reductions are necessary, PADEP commits to adopt additional emission reduction measures to attain and maintain the 1997 ozone NAAQS.

TABLE 3—YORK-ADAMS AREA SECOND MAINTENANCE PLAN CONTINGENCY MEASURES

Non-Regulatory Measures:
Voluntary diesel engine ''chip reflash'' (installation software to correct the defeat device option on certain heavy-duty diesel engines).
Diesel retrofit (including replacement, repowering or alternative fuel use) for public or private local onroad or offroad fleets.
Idling reduction technology for Class 2-yard locomotives.
Idling reduction technologies or strategies for truck stops, warehouses and other freight-handling facilities.
Accelerated turnover of lawn and garden equipment, especially commercial equipment, including promotion of electric equipment.
Additional promotion of alternative fuel (e.g. biodiesel) for home hearing and agricultural use.
Regulatory Measures: [17]
Additional control on consumer products.[18]
Additional controls on portable fuel containers.[19]

The contingency plan includes schedules for the adoption and implementation of both non-regulatory and regulatory contingency measures, including schedules for adopting potential land use planning strategies not listed in Table 3, which are summarized in Tables 4 and 5, respectively.

TABLE 4—IMPLEMENT SCHEDULE FOR YORK-ADAMS AREA NON-REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 2 months	PADEP will identify stakeholders for potential non-regulatory measures for further development.
Within 3 months	If funding is necessary, PADEP will identify potential sources of funding and the timeframe for when funds would be available.
Within 6 months	PADEP will work with the relevant planning commission(s) to identify potential land use planning strategies and projects with quantifiable and timely emission benefits. PADEP will also work with the Pennsylvania Department of Community and Economic Development and other state agencies to assist with these measures.
Within 9 months	If state loans or grants are required, PADEP will enter into agreements with implementing organizations. PADEP will also quantify projected emission benefits.
Within 12 months	PADEP will submit revised SIP to EPA.
Within 12–24 months	PADEP will implement strategies and projects.

TABLE 5—IMPLEMENTATION SCHEDULE FOR YORK-ADAMS AREA REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 1 months	PADEP will submit request to begin regulatory development process.
Within 3 months	Request will be reviewed by the Air Quality Technical Advisory Committee (AQTAC), Citizens Advisory Council, and other advisory committees as appropriate.
Within 6 months	Environmental Quality Board (EQB) meeting/action.
Within 8 months	PADEP will publish regulatory measure in the Pennsylvania Bulleting for comment as proposed rulemaking.
Within 10 months	PADEP will hold a public hearing and comment period on proposed rulemaking.
Within 11 months	House and Senate Standing Committee and Independent Regulatory Review Commission (IRCC) comment on proposed rulemaking.
Within 13 months	AQTAC, Citizens Advisory Council, and other committees will review responses to comment(s), if applicable, and the draft final rulemaking.
Within 16 months	EQB meeting/action.
Within 17 months	The IRCC will take action on final rulemaking.
Within 18 months	Attorney General's review/action.
Within 19 months	PADEP will publish the regulatory measure as a final rulemaking in the Pennsylvania Bulletin and submit to EPA as a SIP revision. The regulation will become effective upon publication in the Pennsylvania Bulletin.

[17] These regulatory measures were considered potential cost-effective and timely control strategies by the Ozone Transport Commission (OTC) as well as the Mid-Atlantic Regional Air Management Association and the Mid-Atlantic/Northeast Visibility Union. The OTC is a multi-state organization responsible for developing regional solutions to ground-level ozone pollution in the Northeast and Mid-Atlantic, including the development of model rules that member states may adopt. OTC member states include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. For more information on the OTC, visit *https://otcair.org/index.asp*. To view the model rules developed by the OTC, including those for consumer products and portable fuel containers, visit *https://otcair.org/document.asp?fview=modelrules.*

[18] Pennsylvania's existing controls on consumer products are under 25 Pa. Code Chapter 130, Subchapters B and C (38 Pa.B. 5598). This contingency measure includes the adoption of additional controls on consumer products such as VOC limits for adhesive removers.

[19] Existing controls on portable fuel containers can be found under 40 CFR 59 subpart F—Control of Evaporative Emissions from New and In-Use Portable Fuel Containers.

EPA proposes to find that the contingency plan included in PADEP's March 10, 2020 submittal satisfies the pertinent requirements of CAA section 175A(d). EPA notes that while six of the potential contingency measures included in the Commonwealth's second maintenance plan are non-regulatory, their inclusion among other measures is overall SIP-strengthening, and their inclusion does not alter EPA's proposal to find the LMP is fully approvable. EPA also finds that the submittal acknowledges Pennsylvania's continuing requirement to implement all pollution control measures that were contained in the SIP before redesignation of the York-Adams Area to attainment.

E. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs, and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). A MVEB is defined as ''that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101).''

Under the conformity rule, LMP areas may demonstrate conformity without a regional emission analysis (40 CFR 93.109(e)). However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs, and projects. Specifically, for such determination, RTPs, TIPs and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105 and 93.112) and transportation control measure implementation in the conformity rule provisions (40 CFR 93.113).

Additionally, conformity determinations for RTPs and TIPs, must be determined no less frequently than every four years, and conformity of transportation plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved, they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115). The York-Adams Area remains under the obligation to meet the applicable conformity requirements for the 1997 ozone NAAQS.

III. Proposed Action

EPA's review of PADEP's March 10, 2020 submittal indicates that York-Adams Area second maintenance plan meets the CAA section 175A and all applicable CAA requirements. EPA is proposing to approve the second maintenance plan for the York-Adams Area as a revision to the Commonwealth of Pennsylvania SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, proposing approval of Pennsylvania's second maintenance plan for the York-Adams Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02581 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0528; FRL–10018–15–Region 3]

Air Plan Approval; Maryland; Negative Declaration for the Oil and Gas Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Maryland. This revision provides Maryland's determination, via a negative declaration, that there are no sources within its borders subject to EPA's 2016 Oil and Natural Gas Control Techniques Guidelines (2016 Oil and Gas CTG). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0528 at *https://www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David Talley, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2117. Mr. Talley can also be reached via electronic mail at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION: On June 18, 2020, the Maryland Department of the Environment (MDE) submitted the negative declaration for the 2016 Oil and Gas CTG as a revision to the Maryland SIP.

I. Background

The CAA regulates emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOCs) to prevent photochemical reactions that result in ozone formation. Reasonably available control technology (RACT) is a strategy for reducing NO_X and VOC emissions from stationary sources within areas not meeting the National Ambient Air Quality Standards (NAAQS) for ozone. EPA has consistently defined ''RACT'' as the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility.

Control Technique Guidelines (CTGs) and Alternative Control Techniques (ACTs) form important components of the guidance that EPA provides to states for making RACT determinations. CTGs are used to presumptively define VOC RACT for applicable source categories. CAA section 182(b)(2)(A) requires that for ozone nonattainment areas classified as moderate or above, states must revise their SIPs to include provisions to implement RACT for each category of VOC sources covered by a CTG document. CAA section 184(b)(1)(B) extends the RACT obligation to all areas of states within the Ozone Transport Region (OTR), including Maryland.[1]

States subject to RACT requirements are required to enact controls for sources subject to CTGs that are at least as stringent as those found within the CTG either via the adoption of regulations, or by issuance of single source permits that outline what the source is required to do to meet RACT.[2] On March 6, 2016 (80 FR 12264), EPA issued a final rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (2008 Ozone Implementation Rule). In the preamble to the final rule, EPA makes clear that if there are no sources covered by a specific CTG source category located in an ozone nonattainment area or an area in the OTR, the state may submit a negative declaration for that CTG. See 80 FR 12264, 12278.

On October 27, 2016 (81 FR 74798), EPA published in the **Federal Register** the ''Release of Final Control Techniques Guidelines for the Oil and Natural Gas Industry,'' (2016 Oil and Gas CTG).[3] This CTG provided information to state, local, and tribal air agencies to assist in determining RACT for VOC emissions from certain VOC emission source within the oil and natural gas industry. The 2016 Oil and Gas CTG replaces an earlier 1983 CTG entitled ''Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants. December 1983.'' EPA–450/3–83–007 (1983 CTG) 49 FR 4432; February 6, 1984. See 2016 Oil and Gas CTG, p. 8–1.

II. Summary of SIP Revision and EPA Analysis

The 2016 Oil and Gas CTG divides the industry into four segments: Production, processing, transmission and storage, and distribution. The transmission and storage sector includes compressor stations, pipelines and storage facilities. The distribution sector is the final step in delivering natural gas to customers and includes gas mains and service pipelines. See CTG p. 3–1; see also CTG pp. 3–1 through 3–3 for a brief explanation of each segment. However, not all four segments of the industry are subject to the requirements of the CTG. The CTG covers select sources of VOC emissions in the onshore production and processing segments of the oil and natural gas industry (*i.e.,* pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. These sources were selected for RACT recommendations because current information indicates that they are significant sources of VOC emissions.

According to Maryland's June 18, 2020 submittal, MDE conducted a review of potential sources subject to

[1] CAA section 184(a) establishes a single OTR comprised of 11 eastern states (including Maryland) and the Consolidated Metropolitan Statistical Area (CMSA) that includes the District of Columbia.

[2] EPA took final action to approve Maryland's SIP revision addressing VOC RACT requirements (including the other CTGs) for the 2008 8-hour ozone NAAQS on February 20, 2019. See 84 FR 5004.

[3] The CTG is available at *https://www.epa.gov/sites/production/files/2016-10/documents/2016-ctg-oil-and-gas.pdf* and is also included in the docket for this action.

the 2016 Oil and Gas CTG. This review consisted of a search of Maryland's oil and gas well records, air permit records, EPA greenhouse gas reporting records, and the Standard Industrial Classification (SIC) system.[4] MDE's search identified a total of 13 facilities in Maryland operating in the production, processing, or transmission and storage segments of the oil and natural gas industry. However, none of these facilities met or exceeded the applicability criteria of the CTG.[5] MDE identified five facilities in the natural gas transmission sector, but determined that none of them had storage tanks with the potential to emit (PTE) more than 6 tons per year (tpy) of VOCs, which is the threshold for applicability of the CTG. Additionally, MDE identified eight active individual production wells. None of these exceeded the 15 barrel equivalents per day per well threshold for CTG applicability. Further, none of the production wells were determined to operate pneumatic pumps or controllers, or compressors. Finally, with respect to fugitive emissions, none of the wells exceed the applicability threshold of a gas to oil ratio (GOR) of 300 or greater.

III. Proposed Action

EPA's review of this material indicates that it meets all applicable CAA requirements, including CAA sections 182(b)(2)(A) and 184(b)(1)(B), and that MDE has satisfactorily demonstrated that there are no sources operating in Maryland subject to the 2016 Oil and Gas CTG. EPA is proposing to approve Maryland's June 18, 2020 negative declaration SIP submittal as a revision to the Maryland SIP. EPA is soliciting public comments on Maryland's negative declaration, including the adequacy of MDE's search and analysis of the CTG applicability criteria. Comments concerning the adequacy of the 2016 Oil and Gas CTG itself are not germane to this action and will not be considered. Relevant comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this is not a ''significant regulatory action'' under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, pertaining to Maryland's negative declaration for the 2016 Oil and Gas CTG, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02619 Filed 2–8–21; 8:45 am]

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[4] See pp. 1–3 of Maryland's submittal, included in the docket for this rulemaking action.

[5] See pp. 1–3 of Maryland's submittal, included in the docket for this rulemaking action.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0598; FRL–10018–68–Region 3]

Air Plan Approval; Pennsylvania; Reasonably Available Control Technology (RACT) Determinations for Case-by-Case Sources Under the 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve multiple state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X) pursuant to the Commonwealth of Pennsylvania's conditionally approved RACT regulations. In this rulemaking action, EPA is only proposing to approve source specific (also referred to as ''case-by-case'') RACT determinations for nine major sources located in Philadelphia County. These RACT evaluations were submitted to meet RACT requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0598 at *https://www.regulations.gov,* or via email to *opila.marycate@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of

submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Riley Burger, Permits Branch (3AD10), Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814 2217. Mr. Burger can also be reached via electronic mail at *burger.riley@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 7, 2020, PADEP submitted two revisions to its SIP to address case-by-case NO_X and/or VOC RACT for 93 major facilities. These SIP revisions are intended to address the NO_X and/or VOC RACT requirements under sections 182 and 184 of the CAA for the 1997 and 2008 8-hour ozone NAAQS. Table 1 of this document lists the SIP submittal date and the facilities included in PADEP's submittal that EPA is proposing to approve in this action. EPA views each facility as a separable SIP revision and may take separate final action on one or more facilities. In this rulemaking action, EPA is only proposing to approve case-by-case RACT determinations for nine of the 93 sources submitted to EPA by PADEP on behalf of Philadelphia Air Management Services (AMS) for facilities located in Philadelphia County.

The SIP revisions in this action only establish 2008 8-hour ozone NAAQS RACT requirements. Applicable RACT requirements under the CAA for sources located in Philadelphia for the 1997 8-hr ozone NAAQS were previously satisfied. See 81 FR 69687 (October 7, 2016, effective November 7, 2016). For additional background information on Pennsylvania's ''presumptive'' RACT II SIP see 84 FR 20274 (May 9, 2019) and on Pennsylvania's source-specific or ''case-by-case'' RACT determinations see the appropriate technical support document (TSD) which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2020–0598.

TABLE 1—PADEP SIP SUBMITTALS FOR MAJOR NO_X AND/OR VOC SOURCES IN PHILADELPHIA COUNTY SUBJECT TO SOURCE-SPECIFIC RACT UNDER THE 2008 8-HOUR OZONE STANDARD

SIP submittal date	Major source
5/7/2020	AdvanSix Resins & Chemicals LLC—Frankford Plant (formerly, Honeywell International—Frankford Plant). Exelon Generation Company—Richmond Generating Station. Grays Ferry Cogeneneration Partnership—Schuylkill Station. Vicinity Energy Philadelphia—Schuylkill Station (formerly Veolia Energy Philadelphia—Schuylkill Station). Kinder Morgan Liquids Terminals, LLC—Philadelphia Terminal. Naval Surface Warfare Center—Philadelphia Divison (formerly Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station). Newman and Company, Inc (formerly Paperworks Industries, Inc). Philadelphia Energy Solutions Refining and Marketing LLC. Philadelphia Shipyard Inc.

I. Background

A. 1997 and 2008 8-Hour Ozone NAAQS

Ground level ozone is not emitted directly into the air but is created by chemical reactions between NO_X and VOC in the presence of sunlight. Emissions from industrial facilities, electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOC. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems.

On July 18, 1997, EPA promulgated a standard for ground level ozone based on 8-hour average concentrations. 62 FR 38856. The 8-hour averaging period replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm. EPA has designated two moderate nonattainment areas in Pennsylvania under the 1997 8-hour ozone NAAQS, namely Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE (the Philadelphia Area) and Pittsburgh-Beaver Valley (the Pittsburgh Area). See 40 CFR 81.339.

On March 12, 2008, EPA strengthened the 8-hour ozone standards, by revising its level to 0.075 ppm averaged over an 8-hour period (2008 8-hour ozone NAAQS). On May 21, 2012, EPA designated five marginal nonattainment areas in Pennsylvania for the 2008 8-hour ozone NAAQS: Allentown-Bethlehem-Easton, Lancaster, Reading, the Philadelphia Area, and the Pittsburgh Area. 77 FR 30088; see also 40 CFR 81.339.

On March 6, 2015, EPA announced its revocation of the 1997 8-hour ozone NAAQS for all purposes and for all areas in the country, effective on April 6, 2015. 80 FR 12264. EPA has determined that certain nonattainment planning requirements continue to be in effect under the revoked standard for nonattainment areas under the 1997 8-hour ozone NAAQS, including RACT.

On November 7, 2016 EPA determined that the Philadelphia 1997 8-hour ozone NAAQS RACT demonstration satisfies all applicable RACT requirements under the CAA for Philadelphia for the 1997 8-hour ozone NAAQS. 81 FR 69687 (October 7, 2016).

B. RACT Requirements for Ozone

The CAA regulates emissions of NO_X and VOC to prevent photochemical reactions that result in ozone formation. RACT is an important strategy for reducing NO_X and VOC emissions from major stationary sources within areas not meeting the ozone NAAQS.

Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment planning requirements of CAA section 172. Section 172(c)(1) of the CAA provides

that SIPs for nonattainment areas must include reasonably available control measures (RACM) for demonstrating attainment of all NAAQS, including emissions reductions from existing sources through the adoption of RACT. Further, section 182(b)(2) of the CAA sets forth additional RACT requirements for ozone nonattainment areas classified as moderate or higher.

Section 182(b)(2) of the CAA sets forth requirements regarding RACT for the ozone NAAQS for VOC sources. Section 182(f) subjects major stationary sources of NO_X to the same RACT requirements applicable to major stationary sources of VOC.[1]

Section 184(b)(1)(B) of the CAA applies the RACT requirements in section 182(b)(2) to nonattainment areas classified as marginal and to attainment areas located within ozone transport regions established pursuant to section 184 of the CAA. Section 184(a) of the CAA established by law the current Ozone Transport Region (OTR) comprised of 12 eastern states, including Pennsylvania. This requirement is referred to as OTR RACT. As noted previously, a ''major source'' is defined based on the source's PTE of NO_X, VOC, or both pollutants, and the applicable thresholds differ based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA.

Since the 1970's, EPA has consistently defined ''RACT'' as the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility.[2]

EPA has provided more substantive RACT requirements through implementation rules for each ozone NAAQS as well as through guidance. In 2004 and 2005, EPA promulgated an implementation rule for the 1997 8-hour ozone NAAQS in two phases (''Phase 1 of the 1997 Ozone Implementation Rule'' and ''Phase 2 of the 1997 Ozone Implementation Rule''). 69 FR 23951 (April 30, 2004) and 70 FR 71612 (November 29, 2005), respectively. Particularly, the Phase 2 Ozone Implementation Rule addressed RACT statutory requirements under the 1997 8-hour ozone NAAQS. See 70 FR 71652 (November 29, 2005).

On March 6, 2015, EPA issued its final rule for implementing the 2008 8-hour ozone NAAQS (''the 2008 Ozone SIP Requirements Rule''). 80 FR 12264. At the same time, EPA revoked the 1997 8-hour ozone NAAQS, effective on April 6, 2015.[3] The 2008 Ozone SIP Requirements Rule provided comprehensive requirements to transition from the revoked 1997 8-hour ozone NAAQS to the 2008 8-hour ozone NAAQS, as codified in 40 CFR part 51, subpart AA, following revocation. Consistent with previous policy, EPA determined that areas designated nonattainment for both the 1997 and 2008 8-hour ozone NAAQS at the time of revocation, must retain implementation of certain nonattainment area requirements (*i.e.,* anti-backsliding requirements) for the 1997 8-hour ozone NAAQS as specified under section 182 of the CAA, including RACT. See 40 CFR 51.1100(o). An area remains subject to the anti-backsliding requirements for a revoked NAAQS until EPA approves a redesignation to attainment for the area for the 2008 8-hour ozone NAAQS. There are no effects on applicable requirements for areas within the OTR, as a result of the revocation of the 1997 8-hour ozone NAAQS. Thus, Pennsylvania, as a state within the OTR, remains subject to RACT requirements for both the 1997 8-hour ozone NAAQS and the 2008 8-hour ozone NAAQS.

In addressing RACT, the 2008 Ozone SIP Requirements Rule is consistent with existing policy and Phase 2 of the 1997 Ozone Implementation Rule. In the 2008 Ozone SIP Requirements Rule, EPA requires RACT measures to be implemented by January 1, 2017 for areas classified as moderate nonattainment or above and all areas of the OTR. EPA also provided in the 2008 Ozone SIP Requirements Rule that RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations stating that there are no sources in the nonattainment area covered by a specific control technique guidelines (CTG) source category. In the preamble to the 2008 Ozone SIP Requirements Rule, EPA clarified that states must provide notice and opportunity for public comment on their RACT SIP submissions, even when submitting a certification that the existing provisions remain RACT or a negative declaration. States must submit appropriate supporting information for their RACT submissions, in accordance with the Phase 2 of the 1997 Ozone Implementation Rule. Adequate documentation must support that states have considered control technology that is economically and technologically feasible in determining RACT, based on information that is current as of the time of development of the RACT SIP.

In addition, in the 2008 Ozone SIP Requirements Rule, EPA clarified that states can use weighted average NO_X emissions rates from sources in the nonattainment area for meeting the major NO_X RACT requirement under the CAA, as consistent with existing policy.[4] EPA also recognized that states may conclude in some cases that sources already addressed by RACT determinations for the 1979 1-hour and/or 1997 8-hour ozone NAAQS may not need to implement additional controls to meet the 2008 8-hour ozone NAAQS RACT requirement. See 80 FR 12278–12279 (March 6, 2015).

C. Applicability of RACT Requirements in Pennsylvania

As indicated earlier, RACT requirements apply to any ozone nonattainment areas classified as moderate or higher (serious, severe or extreme) under CAA sections 182(b)(2) and 182(f). Pennsylvania has outstanding ozone RACT requirements for both the 1997 and 2008 8-hour ozone NAAQS. Philadelphia County only has outstanding ozone RACT requirements for the 2008 8-hour ozone NAAQS. The entire Commonwealth of Pennsylvania is part of the OTR established under section 184 of the CAA and thus is subject statewide to the RACT requirements of CAA sections 182(b)(2) and 182(f), pursuant to section 184(b).

[1] A ''major source'' is defined based on the source's potential to emit (PTE) of NO_X or VOC, and the applicable thresholds for RACT differs based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA.

[2] See December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' and also 44 FR 53762 (September 17, 1979).

[3] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court) issued an opinion on the 2008 Ozone SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* No. 15–1115 (D.C. Cir. February 16, 2018). The D.C. Cir. Court found certain parts reasonable and denied the petition for appeal on those. In particular, the D.C. Cir. Court upheld the use of NO_X averaging to meet RACT requirements for 2008 8-hour ozone NAAQS. However, the Court also found certain other provisions unreasonable. The D.C. Cir. Court vacated the provisions it found unreasonable.

[4] EPA's NO_X RACT guidance ''Nitrogen Oxides Supplement to the General Preamble'' (57 FR 55625; November 25, 1992) encouraged states to develop RACT programs that are based on ''area wide average emission rates.'' Additional guidance on area-wide RACT provisions is provided by EPA's January 2001 economic incentive program guidance titled ''Improving Air Quality with Economic Incentive Programs,'' available at *http://www.epa.gov/ttn/oarpg/t1/memoranda/eipfin.pdf.* In addition, as mentioned previously, the D.C. Cir. Court recently upheld the use of NO_X averaging to meet RACT requirements for 2008 8-hour ozone NAAQS. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* No. 15–1115 (D.C. Cir. February 16, 2018).

At the time of revocation of the 1997 8-hour ozone NAAQS (effective April 6, 2015), only two moderate nonattainment areas remained in the Commonwealth of Pennsylvania for this standard, the Philadelphia and the Pittsburgh Areas. As required under EPA's anti-backsliding provisions, these two moderate nonattainment areas continue to be subject to RACT under the 1997 8-hour ozone NAAQS. Given its location in the OTR, the remainder of the Commonwealth is also treated as moderate nonattainment area under the 1997 8-hour ozone NAAQS for any planning requirements under the revoked standard, including RACT. The OTR RACT requirement is also in effect under the 2008 8-hour ozone NAAQS throughout the Commonwealth, since EPA did not designate any nonattainment areas above marginal for this standard in Pennsylvania. Thus, in practice, the same RACT requirements continue to be applicable in Pennsylvania for both the 1997 and 2008 8-hour ozone NAAQS. RACT must be evaluated and satisfied as separate requirements under each applicable standard.

RACT applies to major sources of NO_X and VOC under each ozone NAAQS or any VOC sources subject to CTG RACT. Which NO_X and VOC sources in Pennsylvania are considered ''major'' and are therefore subject to RACT is dependent on the location of each source within the Commonwealth. Sources located in nonattainment areas would be subject to the ''major source'' definitions established under the CAA. In the case of Pennsylvania, sources located in any areas outside of moderate or above nonattainment areas, as part of the OTR, shall be treated as if these areas were moderate.

In Pennsylvania, the SIP program is implemented primarily by the PADEP, but also by local air agencies in Philadelphia County (the City of Philadelphia's Air Management Services [AMS]) and Allegheny County, (the Allegheny County Health Department [ACHD]). These agencies have implemented numerous RACT regulations and source-specific measures in Pennsylvania to meet the applicable ozone RACT requirements. Historically, statewide RACT controls have been promulgated by PADEP in Pennsylvania Code Title 25—Environmental Resources, Part I—Department of Environmental Protection, Subpart C—Protection of Natural Resources, Article III—Air Resources, (25 Pa. Code) Chapter 129. AMS and ACHD have incorporated by reference Pennsylvania regulations, but have also promulgated regulations adopting RACT controls for their own jurisdictions. In addition, AMS and ACHD have submitted, through PADEP, separate source-specific RACT determinations as SIP revisions for sources within their respective jurisdictions, which have been approved by EPA. See 40 CFR 52.2020(d)(1).

States were required to make RACT SIP submissions for the 1997 8-hour ozone NAAQS by September 15, 2006. PADEP submitted a SIP revision on September 25, 2006, certifying that a number of previously approved VOC RACT rules continued to satisfy RACT under the 1997 8-hour ozone NAAQS for the remainder of Pennsylvania.[5] PADEP has met its obligations under the 1997 8-hour ozone NAAQS for its CTG and non-CTG VOC sources. See 82 FR 31464 (July 7, 2017). RACT control measures addressing all applicable CAA RACT requirements under the 1997 8-hour ozone NAAQS have been implemented and fully approved in the jurisdictions of ACHD and AMS. See 78 FR 34584 (June 10, 2013) and 81 FR 69687 (October 7, 2016). For the 2008 8-hour ozone NAAQS, states were required to submit RACT SIP revisions by July 20, 2014. On May 16, 2016, PADEP submitted a SIP revision addressing RACT under both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. Specifically, the May 16, 2016 SIP submittal intended to satisfy sections 182(b)(2)(C), 182(f), and 184 of the CAA for both the 1997 and 2008 8-hour ozone NAAQS for Pennsylvania's major NO_X and VOC non-CTG sources, except ethylene production plants, surface active agents manufacturing, and mobile equipment repair and refinishing.[6]

D. EPA's Conditional Approval for Pennsylvania's RACT Requirements Under the 1997 and 2008 8-Hour Ozone NAAQS

On May 16, 2016, PADEP submitted a SIP revision addressing RACT under both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. PADEP's May 16, 2016 SIP revision intended to address certain outstanding non-CTG VOC RACT, VOC CTG RACT, and major NO_X RACT requirements under the CAA for both standards. The SIP revision requested approval of Pennsylvania's 25 Pa. Code 129.96–100, *Additional RACT Requirements for Major Sources of NO_X and VOCs* (the ''presumptive'' RACT II rule). Prior to the adoption of the RACT II rule, Pennsylvania relied on the NO_X and VOC control measures in 25 Pa. Code 129.92–95, *Stationary Sources of NO_X and VOCs,* (the RACT I rule) to meet RACT for non-CTG major VOC sources and major NO_X sources. The requirements of the RACT I rule remain in effect and continue to be implemented as RACT.[7] On September 26, 2017, PADEP submitted a supplemental SIP revision which committed to address various deficiencies identified by EPA in their May 16, 2016 ''presumptive'' RACT II rule SIP revision.

On May 9, 2019, EPA conditionally approved the RACT II rule based on PADEP's September 26, 2017 commitment letter.[8] See 84 FR 20274. In EPA's final conditional approval, EPA noted that PADEP would be required to submit, for EPA's approval, SIP revisions to address any facility-wide or system-wide averaging plan approved under 25 Pa. Code 129.98 and any case-by-case RACT determinations under 25 Pa. Code 129.99. PADEP committed to submitting these additional SIP revisions within 12 months of EPA's final conditional approval, specifically May 9, 2020.

Therefore, as authorized in CAA section 110(k)(3) and (k)(4), Pennsylvania was required to submit the following as case-by-case SIP revisions, by May 9, 2020, for EPA's approval as a condition of approval of 25 Pa. Code 128 and 129 in the May 16, 2016 SIP revision: (1) All facility-wide or system-wide averaging plans approved by PADEP under 25 Pa. Code 129.98 including, but not limited to, any terms and conditions that ensure the enforceability of the averaging plan as a practical matter (*i.e.,* any monitoring, reporting, recordkeeping, or testing requirements); and (2) all source-specific RACT determinations approved by PADEP under 25 Pa. Code 129.99, including any alternative compliance schedules approved under 25 Pa. Code 129.97(k) and 129.99(i); the case-by-case RACT determinations submitted to EPA for approval into the SIP should include any terms and conditions that ensure

[5] The September 15, 2006 SIP submittal initially included Pennsylvania's certification of NO_X RACT regulations; however, NO_X RACT portions were withdrawn by PADEP on June 27, 2016.

[6] EPA's conditional approval of PADEP's May 16, 2016 SIP revision covered relevant sources located in both Philadelphia and Allegheny County, Pennsylvania.

[7] These requirements were initially approved as RACT for Pennsylvania under the 1979 1-hour ozone NAAQS.

[8] On August 27, 2020, the Third Circuit Court of Appeals vacated three provisions of Pennsylvania's presumptive RACT II rule applicable to certain coal-fired power plants. *Sierra Club* v. *EPA,* No. 19–2562 (3rd Cir. August 27, 2010). None of the sources in this proposed rulemaking are subject to the presumptive RACT II provisions at issue in the *Sierra Club* decision.

the enforceability of the case-by-case or source-specific RACT emission limitation as a practical matter (*i.e.,* any monitoring, reporting, recordkeeping, or testing requirements). See May 9, 2019 (84 FR 20274). Through multiple submissions between 2017 and 2020, PADEP has submitted to EPA for approval various SIP submissions to implement its RACT II case-by-case determinations and averaging plans. This proposed rulemaking is based on EPA's review of some of these SIP revisions.

II. Summary of SIP Revisions

In order to satisfy a requirement from EPA's May 9, 2019 conditional approval, PADEP has submitted to EPA, SIP revisions addressing case-by-case RACT requirements for major sources in Pennsylvania subject to 25 Pa. Code 129.99. As noted in Table 1 of this document, on May 7, 2020, PADEP submitted to EPA, on behalf of AMS, SIP revisions pertaining to Pennsylvania's case-by-case NO_X and/or VOC RACT determinations for 9 major sources located in Philadelphia County. AMS provided documentation in its SIP revisions to support its case-by-case RACT determinations for affected emission units at each major source subject to 25 Pa. Code 129.99. Specifically, in this SIP submittal, AMS evaluated a total of nine major NO_X and/or VOC sources in Pennsylvania for case-by-case RACT.

In the Pennsylvania RACT SIP revision, AMS included a case-by-case RACT determination for the existing emissions units at each of these major sources of NO_X and/or VOC that required a source specific RACT determination. In AMS' RACT determinations an evaluation was completed to determine if previously SIP-approved, case-by-case RACT requirements were more stringent and required to be retained in the sources Title V air quality permit and subsequently, the Federally-approved SIP, or if the new case-by-case RACT requirements are more stringent and supersede the previous Federally-approved provisions.

EPA, in this action, is taking action on nine major sources of NO_X and/or VOC in Philadelphia County, subject to Pennsylvania's case-by-case RACT requirements, as summarized in Table 2.

TABLE 2—NINE MAJOR NO_X AND/OR VOC SOURCES IN PHILADELPHIA COUNTY SUBJECT TO CASE-BY-CASE RACT II UNDER THE 2008 8-HOUR OZONE NAAQS

Major source	1997 8-Hour ozone RACT source?	Major source pollutant (NO_X and/or VOC)	RACT II permit (effective date)
AdvanSix Resins & Chemicals LLC—Frankford Plant (formerly Honeywell International—Frankford Plant).	Yes	NO_X and VOC	IP16–000276 (3/5/2020)
Exelon Generation Company—Richmond Generating Station.	Yes	NO_X	IP16–000246 (4/20/2020)
Grays Ferry Cogeneneration Partnership—Schuylkill Station.	Yes	NO_X	IP–16–000250 (3/4/2020)
Vicinity Energy Philadelphia—Schuylkill Station (formerly Veolia Energy Philadelphia—Schuylkill Station).	Yes	NO_X	IP16–000249 (3/4/2020)
Kinder Morgan Liquids Terminals, LLC—Philadelphia Terminal.	Yes	VOC	IP16–000233 (4/20/2020)
Naval Surface Warfare Center—Philadelphia Division (formerly Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station).	Yes	NO_X	IP16–000235 (3/20/2020)
Newman and Company, Inc (formerly Paperworks Industries, Inc).	Yes	NO_X	IP–000223 (3/31/2020)
Philadelphia Energy Solutions Refining and Marketing LLC.	Yes	NO_X and VOC	IP–16–00269 (4/24/2020)
Philadelphia Shipyard Inc	No	VOC	IP16–000300 (4/8/2020)

The case-by-case RACT determinations submitted by PADEP, on behalf of AMS, consist of an evaluation of all reasonably available controls at the time of evaluation for each affected emissions unit, resulting in an AMS determination of what specific control requirements, if any, satisfy RACT for that particular unit. The adoption of new or additional controls or the revisions to existing controls as RACT were specified as requirements in new or revised Federally enforceable permits (hereafter RACT II permits) issued by AMS to the source. The RACT II permits, which revise or adopt additional source-specific controls, have been submitted as part of the Pennsylvania RACT SIP revisions for EPA's approval in the Pennsylvania SIP under 40 CFR 52.2020(d)(1). The RACT II permits submitted by PADEP, on behalf of AMS, are listed in the last column of Table 2 of this document, along with the permit effective date, and are part of the docket for this rulemaking, which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2020–0598.[9] EPA is proposing to incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source-specific RACT determinations under the 2008 8-hour ozone NAAQS for certain major sources of NO_X and VOC emissions in Philadelphia County.

[9] The RACT II permits are termed RACT Plan Approvals by AMS and reflect the specific RACT requirements being approved into the Pennsylvania SIP.

III. EPA's Evaluation of SIP Revisions

After thorough review and evaluation of the information provided by PADEP on behalf of AMS in its SIP revision submittals for nine major sources of NO_X and/or VOC in Philadelphia County, EPA finds that AMS' case-by-case RACT determinations and conclusions provided are reasonable and appropriately considered technically and economically feasible controls, while setting lowest achievable limits. EPA finds that the proposed source-specific RACT controls for the sources subject to this rulemaking action adequately meet the CAA RACT requirements for the 2008 8-hour ozone NAAQS for the major sources of NO_X and/or VOC in Pennsylvania, as they are not covered by or cannot meet

Pennsylvania's presumptive RACT regulation.

EPA also finds that all the proposed revisions to previously SIP approved RACT requirements, under the 1997 8-hour ozone standard, as discussed in AMS' SIP revisions, will result in equivalent or additional reductions of NO_X and/or VOC emissions and should not interfere with any applicable requirement concerning attainment or reasonable further progress with the NAAQS or interfere with other applicable CAA requirement in section 110(l) of the CAA.

EPA's complete analysis of AMS' case-by-case RACT SIP revisions is included in the TSD available in the docket for this rulemaking action and available online at *https://www.regulations.gov,* Docket number EPA–R03–OAR–2020–0598.

IV. Proposed Action

Based on EPA's review, EPA is proposing to approve the Pennsylvania SIP revisions for the nine case-by-case RACT facilities listed in Table 2 of this document and incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source specific RACT determinations under the 2008 8-hour ozone NAAQS for certain major sources of NO_X and VOC emissions. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. As EPA views each facility as a separable SIP revision, should EPA receive comment on one facility but not others, EPA may take separate, final action on the remaining facilities.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference source specific RACT determinations via the RACT II permits as described in Sections II and III of this document—Summary of SIP Revisions and EPA's Evaluation of SIP Revisions. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, addressing the NO_X and VOC RACT requirements for nine case-by-case facilities for the 1997 and 2008 8-hour ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02586 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 90

[WP Docket No. 07–100; Report No. 3167; FRS 17394]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by Jeffrey S. Cohen, on behalf of APCO International, Ralph A. Haller, on behalf of National Public Safety Telecommunications Council and Chief Jeffrey D. Johnson, on behalf of The Public Safety Spectrum Alliance.

DATES: Oppositions to the Petitions must be filed on or before February 24, 2021. Replies to an opposition must be filed on or before March 8, 2021.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nellie A. Foosaner, Mobility Division, Wireless Telecommunications Bureau, (202) 418–2925 or *Nellie.Foosaner@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3167, released January 12, 2021. The full text of the Petitions can be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: 4.9 GHz Band, FCC 20–137, published at 85 FR 76469, November 30, 2020, in WP Docket No. 07–100. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 3.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–01366 Filed 2–8–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 226

[Docket No: 200918–0249]

RIN 0648–BJ52

Endangered and Threatened Species; Critical Habitat for the Threatened Indo-Pacific Corals, Extension of Public Comment Period

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

ACTION: Proposed rule; second extension of comment period.

SUMMARY: We, NMFS, are extending the public comment period by 30 days for our proposed rule, published in the **Federal Register** on November 27, 2020, to designate critical habitat for seven threatened corals in U.S. waters in the Indo-Pacific (*Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis,* and *Seriatopora aculeata*) under the Endangered Species Act. On December 23, 2020 the comment period was extended 30 days. The end of the public comment period is extended again from February 25, 2021, to March 27, 2021.

DATES: The comment period for the notice of proposed rulemaking published at 85 FR 76262, and first extended at 85 FR 83899, is extended. The public comment period is extended by 30 days to March 27, 2021. Comments must be received by March 27, 2021, as specified under **ADDRESSES**. Comments received after this date may not be accepted.

ADDRESSES: You may submit public comments in writing by any of the following methods. Comments must be received by March 27, 2021:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0131* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Lance Smith, Protected Resources Division, NMFS, Pacific Islands Regional Office, NOAA Inouye Regional Center, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Instructions: You must submit comments by one of the previously described methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Lance Smith, NMFS Pacific Islands Region, *lance.smith@noaa.gov* or 808–725–5131.

SUPPLEMENTARY INFORMATION: On November 27, 2020, NMFS proposed to designate critical habitat for seven Indo-Pacific corals listed as threatened under the Endangered Species Act (ESA) within U.S. waters in Guam, the Commonwealth of the Northern Mariana Islands (CNMI), American Samoa, and the Pacific Remote Island Area (PRIA). The seven species are *Acropora globiceps, A. jacquelineae, A. retusa, A. speciosa, Euphyllia paradivisa, Isopora crateriformis,* and *Seriatopora aculeata*. Proposed coral critical habitat consists of substrate and water column habitat characteristics essential for the reproduction, recruitment, growth, and maturation of the listed corals.

Proposed critical habitat consists of 17 separate units, each of which contains all ESA-listed corals that occur there. There are four units in American Samoa (Tutuila, Ofu-Olosega, Ta'u, Rose Atoll); seven in CNMI (Rota, Aguijan, Tinian, Saipan, Anatahan, Pagan, and Maug Islands); five in the PRIA (Howland, Palmyra, Kingman, Johnston, and Jarvis Islands); and one unit encompassing all proposed designations in Guam. Between one and six listed corals occur in each unit. The following areas are either ineligible for proposed critical habitat, or excluded because of national security impacts: A complex of overlapping Navy Surface Danger Zones off of Ritidian Point in Guam; other parts of Guam; parts of Tinian; a group of six Navy anchorage berths on Garapan Bank in Saipan; all of Farallon de Medinilla; and all of Wake Atoll.

Critical habitat protections apply only to Federal actions under section 7 of the ESA. Activities that are not funded, authorized, or carried out by a Federal agency are not subject to these protections. The proposed rule and other materials prepared in support of this action, including maps showing the proposed critical habitat, are available at: *https://www.fisheries.noaa.gov/action/proposed-rule-designate-critical-habitat-threatened-indo-pacific-corals*.

The original public comment period for this proposed rule was scheduled to close on January 26, 2021. In response to public input, we extended the public comment period by 30 days to February 25, 2021, and held two online public hearings on January 19 and January 21, 2021. At the public hearings, we received several requests to again extend the public comment period, to allow the public to adequately review the extensive supporting materials for the proposed rule in order to formulate public comments. Similarly, on January 26, 2021, we received a letter from the Governors of CNMI, Guam, and American Samoa requesting extension of the public comment period for the same reason. In response, we are extending the public comment period by another 30 days. We are accepting public comments for the proposed rule through March 27, 2021. Public comments can be submitted as described under **ADDRESSES**.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: February 3, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–02540 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[RTID 0648–XA603]

Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 20 to the Pacific Coast Salmon Fishery Management Plan

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

ACTION: Announcement of availability of fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Pacific Fishery Management Council (Council) has submitted Amendment 20 to the Pacific Coast Salmon Fishery Management Plan (FMP) for review by the Secretary of Commerce. If approved, Amendment 20 would modify the preseason schedule for implementing annual management measures and would move the southern boundary of the Klamath Management Zone (KMZ) 5 nautical miles (nmi) (9.3 km) north of its current location. In addition, Amendment 20 would update out-of-date language in the FMP. NMFS will consider public comments in deciding whether to approve, disapprove, or partially approve Amendment 20. NMFS also announces the availability for public review and comment of a draft environmental assessment (EA) analyzing the environmental impacts of implementing the actions under Amendment 20.

DATES: Comments on Amendment 20 must be received by April 12, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2020–0161, by any of the following method:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0161,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments must be submitted by the above method to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The draft FMP as amended through Amendment 20, with notations showing how Amendment 20 would change the FMP, if approved, is available on the NMFS website at *https://www.fisheries.noaa.gov/action/amendment-20-pacific-coast-salmon-fishery-management-plan-changes-preseason-schedule-and.*

The Council and NMFS prepared a draft EA. An electronic copy of this document may be obtained from the West Coast Regional Office website at *https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-region-national-environmental-policy-act-documents.*

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries in the exclusive economic zone (3–200 nmi) (5.6–370.4 km) off Washington, Oregon, and California are managed under the Pacific Coast Salmon Fishery Management Plan (FMP). The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The MSA also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve, partially approve, or disapprove Amendment 20 to the FMP.

Amendment 20 was developed by the Council to address two primary issues: The preseason schedule for setting annual management measures and the southern boundary of the KMZ in California. Under Amendment 20, the Council also recommended updating outdated language, typographical errors, and references.

Preseason Schedule

Chapter 9 of the FMP contains the schedule and procedures for preseason modification of regulations (preseason schedule). The annual preseason schedule extends from March to May. The schedule in the FMP includes the timing of announcement of meeting dates and locations for Council meetings and public hearings, the timing of Council meetings at which the Council develops its recommended management measures, and the availability of the Salmon Technical Team's (STT) analytical documents (the annual Stock Assessment and Fishery Evaluation (SAFE) document and the STT's Preseason Reports). Under the preseason schedule currently in the FMP, the Council, at its regularly scheduled meeting in early to mid-April, adopts and recommends annual management measures to NMFS for approval. If NMFS determines the management measures are consistent with the Magnuson-Stevens Act (MSA) and other applicable law, NMFS then publishes the annual management measures in the **Federal Register** during the first week of May, which corresponds with the traditional May 1 start date for many ocean salmon fisheries. However, it has become increasingly challenging for the Council and NMFS to complete the necessary environmental and economic analyses and regulatory documentation following the April Council meeting in time for the Secretary of Commerce to approve and implement the Council's annual recommendation by May 1.

At its September 2020 meeting, the Council adopted, as part of Amendment 20, a change in the schedule such that NMFS would publish the annual management measures in the **Federal Register** in the second or third week of May with an anticipated effective date of May 16. The annual management measures will include expected salmon fisheries for the following March through early May, pending modification through inseason action as needed in response to updated stock abundance forecasts. This has been the practice for March and April salmon fisheries since at least 1994.

Klamath Management Zone (KMZ) Southern Boundary

The Council uses management boundaries and zones to manage the ocean salmon harvest consistent with the objectives in the FMP. These boundaries or zones are specified in the annual management measures and may change from year to year. Some management boundaries remain relatively constant and, as described in

the FMP, changes to these boundaries or zones may require special justification and documentation. The KMZ is one of these relatively constant zones and is described in section 6.1 of the FMP as extending from Humbug Mountain, OR, to Horse Mountain, CA.

Beginning in 2016, the Council received multiple requests from participants in the commercial ocean salmon fishery to move the southern boundary of the KMZ from Horse Mountain (Lat. 40°05′ N) 5 nmi north to Lat. 40°10′ N. Proponents argued this would align the salmon management boundary with an existing management boundary in the groundfish fishery, allowing for increased efficiency in fishery operations and enforcement as well as the potential to provide economic benefit to the Port of Eureka.

The Council considered the analysis of the STT regarding the impacts of the boundary change on the affected salmon stocks, developed during the 2019 methodology review, and economic analysis of the proposed boundary change during its deliberations for Amendment 20.[1] [2] The Council also considered the assessment of the Enforcement Consultants regarding any enforcement or safety concerns.[3] At its September 2020 meeting, the Council recommended, as part of Amendment 20, moving the boundary between the KMZ and Fort Bragg management area from Lat. 40°05′ N to Lat. 40°10′ N.

FMP Language Updates

In 2015, the Council adopted management reference points for three stocks of salmon managed under the FMP: Southern Oregon coastal Chinook salmon, Grays Harbor fall Chinook salmon, and Willapa Bay natural coho salmon. These changes were implemented through rulemaking (80 FR 19564, April 13, 2015). The reference points included in that action have been used in salmon fishery management since the final rule implementing them was promulgated. However, the current text of the FMP includes the prior reference point values that the 2015 reference points superseded. This action proposes updating the reference points.

Other updates to the FMP included in Amendment 20 include: Updates to reflect the 2013 merger of NMFS' Northwest and Southwest Regions, updates to the status and terminology of Endangered Species Act-listed salmon evolutionarily significant units, dates for updated management agreements and treaties, and updated references.

There are no implementing regulations associated with Amendment 20, therefore NMFS will not promulgate a proposed rule to implement this amendment.

All comments received by the end of the comment period on Amendment 20 (see **DATES** and **ADDRESSES** above) will be considered in the Secretary's decision to approve, disapprove, or partially approve this amendment. To be considered in this decision, comments must be received by close of business on the last day of the comment period; that does not mean postmarked or otherwise transmitted by that date.

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

Dated: February 4, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–02674 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–22–P

[1] The STT's analysis document is available on the Council's website at: *https://www.pcouncil.org/documents/2019/10/agenda-item-e-2-attachment-1-potential-implications-of-moving-the-california-klamath-management-zone-fort-bragg-salmon-fishery-management-line-from-horse-mountain-north-to-latitude-40-10.pdf/.*

[2] The economic analysis of the proposed boundary change can be found in chapter 9 of the analysis document available on the Council's website at: *https://www.pcouncil.org/documents/2019/10/agenda-item-e-2-attachment-1-potential-implications-of-moving-the-california-klamath-management-zone-fort-bragg-salmon-fishery-management-line-from-horse-mountain-north-to-latitude-40-10.pdf/.*

[3] The comments of the Enforcement Consultants can be found on the Council's website at: *https://www.pcouncil.org/documents/2020/06/e-3-a-supplemental-ec-report-1.pdf/.*

Notices

Federal Register

Vol. 86, No. 25

Tuesday, February 9, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 4, 2021.

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

Comments regarding this information collection received by March 11, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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

Rural Housing Service

Title: Fire and Rescue Loans—7 CFR 1942, Subpart C.

OMB Control Number: 0575–0120.

Summary of Collection: The Rural Housing Service (RHS) is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of essential community facilities primarily servicing rural residents. The primary regulation for administering this Community Facility program is 7 CFR 1942–A. The Community Facilities program has been used to finance about 100 different types of facilities varying in size and complexity from fire trucks to hospitals. A significant portion of the loans made have been used for public safety to finance fire stations, fire trucks, ambulances, and rescue facilities and other small Community Facilities projects. The information must be collected to determine eligibility, analyze financial feasibility, take security, monitor the use of loan funds, and monitor the financial condition of borrowers, and otherwise assisting borrowers.

Need and Use of the Information: The information will be collected by Rural Development field offices from applicants/borrowers and consultants. This information will be used to determine applicant/borrower eligibility, project feasibility, and ensure borrowers operate on a sound basis and use loan funds for authorized purposes.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 1,000.

Frequency of Responses: Reporting: On occasion; Quarterly; Annually.

Total Burden Hours: 7,881.

Title: 7 CFR 1902–A, Supervised Bank Accounts.

OMB Control Number: 0575–0158.

Summary of Collection: 7 CFR 1902–A, Supervised Bank Accounts (SBA), prescribes the policies and procedures for disbursing loan and grant funds, establishing and closing supervised accounts, and placing Multi-Family housing reserve accounts in supervised accounts. The Rural Business Service extends financial assistance to applicants that do not qualify for loans under commercial rates and terms. The Rural Housing Service (RHS) is the credit agency for agriculture and rural development in USDA. Supervised accounts are accounts with a financial institution in the names of a borrower and the United States Government, represented by Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, (Agency). Section 339 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 1989 and Section 510 of the Housing Act of 1949, as amended, (42 U.S.C. 1480) is the legislative authorities requiring the use of supervised accounts.

Need and Use of the Information: The agency's state and field offices will collect information from borrowers and financial institutions. The Agency use SBA's as a mechanism to (1) ensure correct disbursement and expenditure of all funds designated for a project; (2) help a borrower properly manage its financial affairs; (3) ensure that the Government's security is protected adequately from fraud, waste and abuse. The consequence to Federal program and policy activities if the collection of information was not conducted would be detrimental to both the Government and to borrowers.

Description of Respondents: Business or other for-profit.

Number of Respondents: 13,500.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 23,626.

Title: 7 CFR 1902–A, Supervised Bank Accounts.

OMB Control Number: 0575–0158.

Summary of Collection: 7 CFR 1902–A, Supervised Bank Accounts (SBA), prescribes the policies and procedures for disbursing loan and grant funds, establishing and closing supervised accounts, and placing Multi-Family housing reserve accounts in supervised accounts. The Rural Business Service extends financial assistance to applicants that do not qualify for loans under commercial rates and terms. The Rural Housing Service (RHS) is the credit agency for agriculture and rural development in USDA. Supervised accounts are accounts with a financial institution in the names of a borrower and the United States Government, represented by Rural Housing Service,

Rural Business-Cooperative Service, Rural Utilities Service, (Agency). Section 339 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 1989 and Section 510 of the Housing Act of 1949, as amended, (42 U.S.C. 1480) is the legislative authorities requiring the use of supervised accounts.

Need and Use of the Information: The agency's state and field offices will collect information from borrowers and financial institutions. The Agency use SBA's as a mechanism to (1) ensure correct disbursement and expenditure of all funds designated for a project; (2) help a borrower properly manage its financial affairs; (3) ensure that the Government's security is protected adequately from fraud, waste and abuse. The consequence to Federal program and policy activities if the collection of information was not conducted would be detrimental to both the Government and to borrowers.

Description of Respondents: Business or other for-profit.

Number of Respondents: 13,500.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 23,626.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–02673 Filed 2–8–21; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 4, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by March 11, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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

National Agricultural Statistics Service (NASS)

Title: Agricultural Surveys Program—Substantive Change.

OMB Control Number: 0535–0213.

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

The Agricultural Surveys Program is a combination of surveys utilizing several different sampling frames. Basic agricultural data is collected from farmers and ranchers throughout the nation and used to prepare agricultural estimates and forecasts of crop acreages, yields, and production; stocks of grains and oilseeds; hog and pig inventory; sheep inventory and lamb crop; goat and kid inventory; cattle inventory; cattle on feed, and land values. The surveys provide the basis for estimates of the current season's crop and livestock production and supplies of grain and oilseeds in storage. Survey results provide the foundation for setting livestock and poultry inventory numbers. Estimates derived from these surveys supply information needed by farmers to make decisions for both short- and long-term planning.

Due to the COVID–19 virus, numerous changes took place for the 2020 calendar year. The June Area Survey was suspended for 2020 and will be conducted again in 2021 and 2022. Normally, this survey relies on face to face interviews with farmers and ranchers. Instead the data from the 2019 survey was used to adjust for list incompleteness in 2020.

The 2021 June Area Survey will have the field level questions removed and only tract and whole farm data will be collected. This has been done so that the questionnaire can be conducted by telephone to allow for the continuation of social distancing.

The overall annual, average sample size for the Agricultural Surveys Program will remain at 551,600. No additional burden is being added for the changes included in this submission.

A detailed listing of the questions that have been updated are listed in the Supporting Statement Part A.

Need and Use of the Information: Uses of NASS statistical information are extensive and varied. The producer is the primary user; other users of agricultural statistics are farm organizations, agribusinesses, State and national farm policy makers, foreign buyers of agricultural products, universities, and various researchers. Federal farm programs require information on acreages, production potential, stocks, prices, and income. Agricultural statistics are used to plan and administer other related federal and State programs in such areas as consumer protection, conservation, foreign trade, education, and recreation. Estimates are used by producers to determine production and marketing strategies, by the agricultural industry to assess markets and potential demand for products, and by the federal government to analyze potential and actual production.

Some of the Federal agricultural agencies that use information from these surveys are the Economic Research Service, Foreign Agricultural Service, Agricultural Marketing Service, Farm Service Agency and the Risk Management Agency. The Bureau of Economic Analysis in the Department of Commerce is a major non-USDA agency that uses data from this information collection to prepare national and regional estimates of farm income and products. The Forest Service and Department of Interior use data collected on forage values to establish public land grazing rates in Western States.

Several agricultural agencies utilize NASS data to carry out programs required by legislation. Examples are the school lunch program, administration of marketing orders, grazing fee rates, and establishment of foreign trade policies. The Secretary of Agriculture uses information collected to help determine agricultural policy.

Description of Respondents: Farms and Ranches.

Number of Respondents: 551,600.

Frequency of Responses: Reporting: Two.

Total Burden Hours: 175,583.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–02643 Filed 2–8–21; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection: Financial Information Security Request Form

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection, *Financial Information Security Request Form (0596–0204).*

DATES: Comments must be received in writing on or before April 12, 2021 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to USDA-Forest Service, Attention: Stephen Wills, Financial Policy, Sidney Yates Federal Building: 201 14th St. SW, Washington, DC 20250. Comments also may be submitted via email to: *Stephen.wills@usda.gov.*

Comments submitted in response to this notice may be made available to the public through relevant websites and upon request. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Stephen Wills, Director of Financial Policy, 703–605–4938. Individuals who use telecommunications for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Financial Information Security Request Form.

OMB Number: 0596–0204.

Expiration Date of Approval:

Type of Request: Extension without Revision.

Abstract: The majority of Forest Service's financial records are in databases stored at the National Finance Center (NFC). The Forest Service uses employees and contractors to maintain these financial records. The employees and contractors must have access to NFC to perform their duties.

The Forest Service uses an electronic form FS–6500–214, Financial Information Security Request Form, to apply to NFC for access for a specific employee or contractor. Due to program management decisions and budget constraints, it has been determined that contractors will need to complete and submit the form.

The contractor and the Forest Service systems provide the information necessary to complete form FS–6500–214. The contractor verifies completion of two courses within the last year: Privacy Act Basics and IT (Information Technology) Security. The contractor then enters their short name assigned by the Forest Service. Using the short name, the screen is populated with information that the contractor can change if incorrect. The information includes: Name, work email, work telephone number, and job title. The contractor checks the box for a non-federal employee and provides the expiration date of the contract. The contractor then selects the databases and actions needed. Based on the database(s) selected, the contractor provides additional information regarding the financial systems, work location, access scope, etc. Once the form is submitted to the client security officer, a one-page agreement automatically prints, which the contractor and client security officer sign. The agreement is a certification statement that acknowledges the contractor's recognition of the sensitive nature of the information and agrees to use the information only for authorized purposes. The information collected is shared with those managing or overseeing the financial systems used by the Forest Service. This includes auditors.

Estimate of Burden per Response: 10 minutes.

Estimated Annual Number of Respondents: 9,549.

Estimated Annual Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 4,774 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request for approval by the Office of Management and Budget.

Antoine L. Dixon,

Chief Financial Officer.

[FR Doc. 2021–02577 Filed 2–8–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket Number: RUS–21–WATER–0002]

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on the following information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by April 12, 2021.

FOR FURTHER INFORMATION CONTACT: Taylor Marable, Community Program

Specialist, Rural Utilities Service, Tennessee State Office, 441 Donelson Pike, Suite 310, Nashville, TN, 37214. Telephone: (615) 783–1300. Fax: (855) 776–7057 or email *taylor.marable@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for revision.

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

Comments may be sent through the Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the ''Search'' box, enter the Docket ID No ''RUS–21–WATER–0002'' to submit or view public comments and to view supporting and related materials available electronically. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''Help'' button at the top of the page.

Title: Water and Waste Loan and Grant Program.

OMB Control Number: 0572–0121.

Expiration date of Approval: May 21, 2021.

Type of Request: Revision of a currently approved collection.

Abstract: USDA Rural Development, through the Rural Utilities Service, is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian Tribes to fund water and waste disposal projects serving the most financially needy rural communities through the Water and Waste Disposal loan and grant program. Financial assistance should result in reasonable user costs for rural residents, rural businesses, and other rural users. The program is limited to rural areas and small towns with a population of 10,000 or less. The Water and Waste Loan and Grant Program is administered through 7 CFR part 1780. The items covered by this collection include forms and related documentation to support a loan application.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.64 hours per response.

Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 896.

Estimated Number of Responses: 61,782.

Estimated Number of Responses per Respondent: 68.

Estimated Total Annual Burden on Respondents: 163,203 hours.

Copies of this information collection can be obtained from Lynn Gilbert, Regulations Management Division, at (202) 690–2682 or email: *lynn.gilbert@usda.gov* All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2021–02601 Filed 2–8–21; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket #: RUS–21–AGENCY–0001]

Notice of Request for Revision of a Currently Approved Information Collection; Comments Requested

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) invites comments on this information collection for which the RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by April 12, 2021.

FOR FURTHER INFORMATION CONTACT: Lauren Cusick, Management Analyst, Regulations Management Division, Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, STOP 1571, South Building, Washington, DC 20250–1522. Telephone: (202) 720–1414. Email: *Lauren.Cusick@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB as extension to an existing collection with Agency adjustment. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent by the Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the lower ''Search Regulations and Federal Actions'' box, select ''RUS'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select 0572–0095 to submit or view public comments and to view supporting and related materials available electronically. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

Title: 7 CFR 1773, Policy on Audits of RUS Borrowers.

OMB Control Number: 0572–0095.

Expiration Date of Approval: February 28, 2022.

Type of Request: Revision of a currently approved collection.

Abstract: The Rural Utilities Service relies on the information provided by the borrowers in their financial

statements to make lending decisions as to borrowers' credit worthiness and to assure that loan funds are approved, advanced and disbursed for proper RE Act purposes. These financial statements are audited by a certified public accountant to provide independent assurance that the data being reported are properly measured and fairly presented.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8.17 hours per response.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents and Recordkeepers: 1,300.

Estimated Number of Responses per Respondent: 1.35.

Estimated Number of Responses: 1,764.

Estimated Total Annual Burden on Respondents: 14,420 hours.

Copies of this information collection can be obtained from Lauren Cusick, Regulations and Paperwork Management Branch, at (202) 720–1414. Email: *Lauren.Cusick@usda.gov.*) 205–3660, Fax: (202) 720–8435.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Christopher McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2021–02600 Filed 2–8–21; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; American Community Survey Methods Panel Tests

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of the American Community Survey Methods Panel Tests prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 12, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *acso.pra@census.gov.* Please reference American Community Survey Methods Panel Tests in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0002, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to G. Brian Wilson, U.S. Census Bureau, American Community Survey Office, 301–763–2819, *George.Brian.Wilson@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The American Community Survey (ACS) is an ongoing monthly survey that collects detailed housing and socioeconomic data from about 3.5 million addresses in the United States and about 36,000 addresses in Puerto Rico each year. The ACS also collects detailed socioeconomic data from about 195,000 residents living in group quarters (GQ) facilities in the United States and Puerto Rico. Resulting tabulations from this data collection are provided on a yearly basis. The ACS allows the Census Bureau to provide timely and relevant housing and socioeconomic statistics, even for low levels of geography.

An ongoing data collection effort with an annual sample of this magnitude requires that the ACS continue research, testing, and evaluations aimed at improving data quality, reducing data collection costs, and improving the ACS questionnaire content and related data collection materials. The ACS Methods Panel is a research program designed to address and respond to survey issues and needs. As part of the Decennial Census Program, the ACS also provides an opportunity to research and test elements of survey data collection that relate to the decennial census. As such, the ACS Methods Panel can serve as a testbed for the decennial census. From 2021 to 2024, the ACS Methods Panel may test ACS and decennial census methods for reducing survey cost, addressing respondent burden, and improving survey response, data quality, and survey efficiencies. The ACS Methods Panel may also address other emerging needs of the programs.

At this time, plans are in place to propose several tests related to self-response, group quarters, and nonresponse follow up data collection operations. Tests may also be conducted to explore the use of administrative records. Because the ACS Methods Panel is designed to address emerging issues, we may propose additional testing as needed. Any testing would focus on methods for reducing data collection costs, improving data quality, improving the respondent experience, revising content, or testing new questions that have a need to be included in the Decennial Census Program. The proposed tests are outlined below.

Self-Response Mail Messaging and Contact Strategies Testing: In response to declining response rates and increasing costs, the Census Bureau plans to study methods to increase self-response, the least expensive mode of data collection. The Census Bureau currently sends up to five mailings to a sampled address to inform the occupants that their address has been selected to participate in the ACS and to encourage them to self-respond to the ACS. The proposed tests would evaluate changes to the mailings, such as using plain language to improve communication, changing the look and feel of the materials, updating messages to motivate response, and adding or removing materials included in the mailings. Changes to the contact method, the number of contacts, and the timing of the contacts may also be tested. Multiple tests may be conducted.

Respondent Feedback Pilot Test: Currently, ACS participants who want to give feedback on their survey experience must call, email, or send letters directly to the Census Bureau. The Census Bureau is considering adding a method for participants to provide feedback at the end of the survey. Because collecting respondent feedback of this nature is new to the ACS, we conducted cognitive testing to inform recommendations on its wording

and display. Additionally, we wanted to learn about participants' perceptions about having this type of item on the ACS generally, including whether they understood its purpose. Cognitive testing resulted in recommended wording for the feedback question and indicated that respondents understood the purpose of the feedback question (Katz, forthcoming). The Census Bureau is now ready to pilot a feedback question to establish a way to process the comments and evaluate the type of comments received. Respondents will not be required to answer the feedback question.

Testing the Use of Administrative Data: The Census Bureau has made significant progress exploring the use of administrative data in surveys and censuses, potentially as a substitute for questions asked of respondents. Administrative data refer to data collected by government agencies and other sources for the purposes of administering programs or providing services. The Census Bureau has evaluated the availability and suitability of several different data sources for use in the ACS to replace or supplement questions pertaining to telephone service, the year a residence was built, condominium status, income, residence one year ago, and self-employment income. We are currently exploring administrative data use to replace or supplement questions pertaining to property values, property taxes, and acreage. Similarly, we plan to evaluate the availability and suitability of using administrative records in lieu of enumeration for institutional GQs (U.S. Census Bureau, 2017).

Administrative data may also be used to reduce burden of existing questions by allowing for modification of the questions. For example, the ACS asks respondents to provide their total income for the past 12 months as well as income received from various sources (wages, interest, retirement income, etc.). By supplementing data collection on income with administrative records, we may be able to modify questions to only ask about the source of income rather than the amount. We are cognitively testing this change as well as changing the reference year from the past 12 months to the previous calendar year to align with administrative records sources. As a continuation of this research, the Census Bureau proposes a field test of revised content for income as well as other topics both for the housing unit questionnaire as well as the GQ questionnaire. Some questions may be modified while others would be removed. Multiple tests may be conducted.

Group Quarters Testing: The ACS samples about 19,000 GQ facilities each year. A GQ is a place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. There are two categories of GQs: Institutional and noninstitutional. Institutional GQs include places such as correctional facilities and nursing homes. Noninstitutional GQs include college housing, military barracks, and residential treatment centers. Most interviews conducted in GQs are interviewer-administered (94 percent of interviews in institutional GQs and 75 percent in noninstitutional GQs), but some GQ respondents self-respond using a paper questionnaire. The Census Scientific Advisory Committee Working Group on Group Quarters in the ACS recommended that the Census Bureau consider making ''an internet version of the ACS available to noninstitutional GQ residents, especially in college dorms, military barracks, and group homes.'' Additional support was identified for this proposal in a workshop held in 2016 with the National Academies of Science Committee on National Statistics (National Academies of Sciences, Engineering, and Medicine, 2016). The Census Bureau proposes a field test of an internet ACS self-response GQ form for residents in noninstitutional GQs. We would evaluate the quality of the data received from the internet instrument compared with traditional data collection methods for GQs (paper questionnaires and interviewer-administered) as well as assess operational issues with offering the internet option, including feedback from interviewers.

Content Testing: Working through the Office of Management and Budget Interagency Committee for the ACS, the Census Bureau solicited proposals from other Federal agencies to change existing questions or add new questions to the ACS. These proposals included changes to the following questions: Household roster, educational attainment, health insurance, disability, means of transportation to work, income, weeks worked, Supplemental Nutrition Assistance Program (SNAP), condominium fees, and home heating fuel. Additionally, three new questions on solar panels, electric vehicles, and sewage disposal were proposed. The objective of content testing is to determine the impact of changing question wording and response categories, as well as redefining underlying constructs, on the quality of the data collected. The Census Bureau proposes evaluating changes to current questions by comparing the revised questions to the current ACS questions. For new questions, the Census Bureau proposes comparing the performance of two versions of any new questions and benchmark results with other well-known sources of such information. The questions would be tested using all modes of data collection. Response bias or variance may also be measured to evaluate the questions by conducting a follow up interview with respondents. Multiple tests may be conducted. Additional content testing may include a shift in the content collection strategy for the fifth person in the household on the paper questionnaire. In order to reduce respondent burden for large households who self-respond using the paper questionnaire, as well as potentially increase self-response by reducing the size of the paper questionnaire, one testing proposal includes no longer collecting detailed data for Person 5 on the paper questionnaire (*i.e.,* the same items collected for Person 1 through 4) and only collecting basic demographic information (as is currently done for Person 6 through Person 12). Detailed person information for households with five or more people would be collected through a telephone follow-up, similar to what is currently done for households with six or more people.

Internet Instrument Testing: In 2013, the ACS incorporated the use of an internet instrument to collect survey responses. The design of the instrument reflected the research and standards of survey data collection at that time. With a growing population using the internet to respond to the ACS, as well as the increased use of smartphones and other electronic devices with smaller screens, an evaluation and redesign of the internet instrument is needed. Design elements will be developed and tested based on input from experts in survey methodology and web survey design. Testing may include revisions focused on improving login procedures and screen navigation, improving the user interface design, as well as methods to decrease respondent burden. Multiple tests may be conducted.

Respondent Help Testing: If respondents need help completing the ACS or have questions, they can call the Telephone Questionnaire Assistance (TQA) toll-free hotline. When respondents call the TQA, they enter an Interactive Voice Recognition (IVR) system, which provides some basic information on the ACS and recorded answers to frequently asked questions. Callers can also request to speak directly

to a Census Bureau employee. The Census Bureau is proposing potential testing of changes to the IVR system to improve content and efficiencies in the system. Other methods of offering help to respondents may also be explored and tested, such as the use of chatbots and live online chat assistance.

Nonresponse Follow up Data Collection Testing: The Census Bureau is proposing to evaluate the use of adaptive survey design techniques for the ACS nonresponse follow up operation (typically referred to as the ACS CAPI operation). Models and rules would be developed to predict case outcomes and determine interventions for a case, such as assigning a case to a refusal specialist. The models and rules would also prioritize cases based on the likelihood of completing an interview. The adaptive approach would be evaluated by comparing results to traditional methods of case assignment and progress.

II. Method of Collection

The American Community Survey is collected via the following modes: internet, paper questionnaire, telephone interview, and in-person interview (CAPI). The Census Bureau sends up to five mailings to eligible housings units to encourage self-response. Respondents may receive help by utilizing an IVR system (though response cannot be provided by IVR). Respondents can also call our TQA for help or to respond. Interviewers may visit a housing unit or sampled GQ facility to conduct an interview in person or may conduct the interview by phone. Administrative records are also used to replace, supplement, and support data collection. ACS Methods Panel Tests use all of these modes of data collection or a subset of the modes, depending on the purpose of the test. Specific modes for the tests are noted below.

Self-Response Mail Messaging and Contact Strategies Testing evaluate mailout materials that solicit self-response using internet, paper questionnaire, and telephone responses. Tests will include housing units only.

The Respondent Feedback Pilot would be conducted with self-response modes of data collection. The pilot would include housing units only.

The Use of Administrative Data Test would test replacing or substituting all or parts of the ACS with administrative data. Respondents could be presented with a new version of the ACS with some questions not asked and others modified, as compared to production ACS. Evidence suggests that the type of response mode that respondents choose (internet, paper questionnaire, or interviewer-administered) is correlated with different socioeconomic characteristics. Therefore, this test will include all modes of data collection. This test would include respondents in both HUs and GQs.

Group Quarters Testing would test the addition of an internet self-response GQ form for residents in noninstitutional GQs. A sample of GQ respondents will be given the option of completing the survey via self-response using an internet instrument. Other residents will continue to be interviewed by paper questionnaire or interviewer-administered modes.

Content Testing for item-level changes will be conducted as a split-sample experiment, with half of the sampled addresses receiving one version of the questions and the other half receiving a different version of the questions. All modes of ACS data collection are included in the test. Additionally, a follow-up reinterview may be conducted with all households that respond to measure response bias or response variance. Comparisons will be made between the treatments to assess data quality. Changes to the person-level content collection strategy will also be conducted as a split-panel experiment involving only the paper questionnaire; comparisons will be made between treatments to assess response and data quality.

Internet Instrument Testing will assess modifications to the internet instrument conducted via split-sample experiments. Only the internet mode of self-response is included in the testing.

Respondent Help Testing of modifications to respondent help may include telephone and internet modes. These tests focus on evaluating mechanisms to answer questions and provide help to respondents.

Nonresponse Follow up Data Collection Testing will focus on in-person and telephone interviews conducted by Census Bureau field representatives (FRs). As part of their interaction with respondents, FRs also encourage response online. Respondents may also mail back a paper questionnaire they received during the self-response phase of the ACS.

III. Data

OMB Control Number: 0607–0936.

Form Number(s): ACS–1, ACS–1(GQ), ACS–1(PR)SP, ACS CAPI(HU), and ACS RI(HU).

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents:

Test	Estimated number of respondents
Self-Response Mail Messaging and Contact Strategies Testing	Test A–60,000. Test B–60,000. Test C–60,000. Test D–60,000. Test E–60,000. Test F–60,000.
Respondent Feedback Pilot	100,000.
Use of Administrative Data Test	100,000.
Group Quarters Testing	500.
Content Testing	Test A–70,000. Test B–70,000.
Content Testing Follow-up Interview	Test A–40,000. Test B–40,000.
Internet Instrument Testing	Test A–60,000. Test B–60,000. Test C–60,000. Test D–60,000. Test E–60,000. Test F–60,000.
Respondent Help Testing	40,000.
Nonresponse Follow up Data Collection Testing	100,000.

Estimated Time per Response:

Test	Estimated time per response (in minutes)
Self-Response Mail Messaging and Contact Strategies Testing	40.
Respondent Feedback Pilot	42 (40 minutes for the production ACS interview and 2 minutes for the optional follow-up questions).
Use of Administrative Data Test	40.
Group Quarters Testing	40 (including the facility interview).
Content Testing	40.
Content Testing Follow-up Interview	40.
Internet Instrument Testing	40.
Respondent Help Testing	10.
Nonresponse Follow up Data Collection Testing	40.

Estimated Total Annual Burden Hours:

Test	Estimated number of respondents	Estimated time per response (in minutes)	Total burden hours
Self-Response Mail Messaging and Contact Strategies Testing	Test A–60,000	40	Test A–40,000.
	Test B–60,000		Test B–40,000.
	Test C–60,000		Test C–40,000.
	Test D–60,000		Test D–40,000.
	Test E–60,000		Test E–40,000.
	Test F–60,000		Test F–40,000.
Respondent Feedback Pilot	100,000	42	70,000.
Use of Administrative Data Test	100,000	40	66,667.
Group Quarters Testing	500	40	334.
Content Testing	Test A–70,000	40	Test A–46,667
	Test B–70,000		Test B–46,667
Content Testing Follow-up Interview	Test A–40,000	40	Test A–26,667
	Test B–40,000		Test B –26,667.
Internet Instrument Testing	Test A–60,000	40	Test A–40,000
	Test B–60,000		Test B–40,000.
	Test C–60,000		Test C–40,000.
	Test D–60,000		Test D–40,000.
	Test E–60,000		Test E–40,000.
	Test F–60,000		Test F–40,000.
Respondent Help Testing	40,000	10	6,667.
Nonresponse Follow up Data Collection Testing	100,000	40	66,667.
Total (over 3 years) *	1,280,500		837,003.
Annual Burden Hours	426,834		279,001.

*** Note:** This is the maximum burden requested for these tests. Every effort is taken to use existing production sample for testing when the tests do not involve content changes.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 141, 193, and 221.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02606 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Annual Business Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 6, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: Annual Business Survey.

OMB Control Number: 0607–1004.

Form Number(s): ABS–1.

Type of Request: Regular submission, Request for a Revision of a Currently Approved Collection.

Number of Respondents: 308,000.

Average Hours per Response: Employer Businesses—52 minutes; Nonprofits who are R&D performers—3 hours; Nonprofits who are not R&D performenrs—20 minutes.

Burden Hours: 270,133.

Needs and Uses: In an effort to improve the measurement of business dynamics in the United States, the Census Bureau is conducting the Annual Business Survey (ABS). The ABS combines Census Bureau firm-level collections to reduce respondent burden, increase data quality, reduce operational costs, and operate more efficiently. The ABS replaced the five-year Survey of Business Owners (SBO) for employer businesses, the Annual Survey of Entrepreneurs (ASE), and the Business Research and Development (R&D) and Innovation for Microbusinesses (BRDI–M) surveys. The ABS provides information on selected economic and demographic characteristics for businesses and business owners by sex, ethnicity, race, and veteran status. Further, the survey measures research and development for microbusinesses, new business topics such as innovation and technology, as well as other business characteristics. The ABS is sponsored by the National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation (NSF) and conducted by the Census Bureau for five years (2018–2022).

The ABS includes all nonfarm employer businesses filing Internal Revenue Service (IRS) tax forms as individual proprietorships, partnerships, or any other type of corporation, with receipts of $1,000 or more. The ABS samples approximately 300,000 employer businesses annually yielding summary-level estimates for women-, minority-, and veteran-owned businesses at the 2-digit NAICS, U.S., state, and metropolitan statistical area (MSA) levels. The Census Bureau uses administrative data to estimate the probability that a firm is minority- or women-owned. Each firm is then placed in one of nine frames for sampling. The sampling frames are: American Indian or Alaskan Native, Asian, Black, or African American, Hispanic, Non-Hispanic White Men, Native Hawaiian, and Other Pacific Islander, Other, Publicly Owned, and Women. The sample is stratified by state, industry, and frame. The Census Bureau selects some companies with certainty based on volume of sales, payroll, and number of paid employees or NAICS. All certainty cases are sure to be selected and represent only themselves.

Starting with survey year 2021, the ABS sample will include an additional 8,000 respondents to collect research activities from nonprofit organizations. Historically, nonprofit organizations were in scope to the ABS, however, they were not mailed because the survey does not expect nonprofit organizations to be classifiable by sex, ethnicity, race, or veteran status. To include the nonprofit organizations, the sample size will increase to approximately 308,000 (300,000 employer businesses + 8,000 nonprofit organizations). Of note, nonprofit organizations will only see questions relating to research activities and will not be asked any questions relating to owner demographics. The questions were adopted from the 2016 Nonprofit Research Activities—NPRA Survey which collected information about research activities at nonprofit organizations. Based on estimates from that survey, the estimated burden for R&D performers is 3 hours. This includes the time it will take to gather materials prior to reporting and responding to the survey. For nonprofit organizations that are not R&D performers and therefore will not answer all the questions, the estimated burden is 20 minutes.

Employer businesses will be asked questions about the sex, ethnicity, race, and veteran status for up to four persons owning the majority of rights, equity, or interest in the business (Section B of the questionnaire). Organizations sampled as nonprofits and respondents with 1–9 employees will be asked about research and development (R&D) activities and related costs (Sections C and D of the questionnaire respectively). Further, employer businesses sampled will be asked about the following topics: Technology, Operations, and Innovation (Section E of the questionnaire); Financing (Section F of the questionnaire); Management Practices (Section G of the questionnaire); and Coronavirus Pandemic as related to R&D (Section H of the questionnaire).

The ABS is designed to allow for incorporating new content each survey year based on topics of relevance. Each year new questions will be submitted to the Office of Management and Budget (OMB) for approval.

New questions on the 2021 ABS collect data on the following topics: Research activities at nonprofit organizations (Section C of the 2021 ABS questionnaire); technology, operations, and innovation (Section E of the 2021 ABS questionnaire), financing (Section F of the 2021 ABS questionnaire), and management practices (Section G of the of the 2021 ABS questionnaire). Within Sections F and H of the questionnaire, several questions have been added to measure the impact of the 2020 coronavirus pandemic on business activity and R&D, respectively.

The ABS is primarily collected via an electronic instrument. Those selected for the survey receive an initial letter informing the respondents of their requirement to complete the survey as well as instructions on accessing the survey. The 2021 ABS initial mailing is scheduled for July 2021. Responses will be due approximately 30 days from initial mailing. Respondents will also receive a due date reminder approximately one week before responses are due.

Statistics from the ABS will be used by government program officials, industry organization leaders, economic and social analysts, business entrepreneurs, and domestic and foreign researchers in academia, business, and government. Estimates produced on owner demographic data may be used to assess business assistance needs, allocate available program resources, and create a framework for planning, directing, and assessing programs that promote the activities of disadvantaged groups; to assess minority-owned businesses by industry and area and to educate industry associations,

corporations, and government entities; to analyze business operations in comparison to similar firms, compute market share, and assess business growth and future prospects. Estimates produced on R&D and innovation may be used to compare R&D costs across industries, determine where R&D activity is conducted geographically, and identify the types of businesses with R&D; to contribute to the Bureau of Economic Analysis (BEA) system of national accounts; to increase investments in research and development, strengthen education, and encourage entrepreneurship; and to compare business innovation in the United States to other countries, including those in the European Union. Results of the research activities data collected from nonprofit organizations will be used to report updated, valid, and reliable estimates of U.S. nonprofit R&D in National Patterns of R&D Resources and BEA's system of national accounts.

The data collected by ABS will also be incorporated into the National Science Board's biennial report, Science and Engineering Indicators (SEI). The R&D data from the nonprofit module will be reported in the Organization for Economic Cooperation and Development (OECD) periodic publications and for international comparisons of R&D efforts. NCSES also anticipates professional associations will use data from the nonprofit module. Likely users in this category include, but are not limited to, the Science Philanthropy Alliance, the Association of Independent Research Institutes, and the Health Research Alliance.

Additional examples of data use include:

- The Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) to assess business assistance needs and allocate available program resources.
- Local government commissions on small and disadvantaged businesses to establish and evaluate contract procurement practices.
- Federal, state, and local government agencies as a framework for planning, directing, and assessing programs that promote the activities of disadvantaged groups.
- The National Women's Business Council to assess the state of women's business ownership for policymakers, researchers, and the public at large.
- Consultants and researchers to analyze long-term economic and demographic shifts, and differences in ownership and performance among geographic areas.
- Individual business owners to analyze their operations in comparison to similar firms, compute their market share, and assess their growth and future prospects.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 8(b), 131, and 182; Title 42, United States Code, Section 1861–76 (National Science Foundation Act of 1950, as amended); and Section 505 within the America COMPETES Reauthorization Act of 2010 authorize this collection. Sections 224 and 225 of Title 13, United States Code, require a response from sampled firms.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–1004.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02613 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[1/15/2021 through 1/26/2021]

Firm name	Firm address	Date accepted for investigation	Product(s)
LaFox Screw Products, Inc	440 North Gilbert Street, South Elgin, IL 60177.	1/21/2021	The firm manufactures metal screws.
Dehen Jackets, Inc	1040 NE 44th Avenue, Portland, OR 97213.	1/22/2021	The firm manufactures apparel.
Competition Engineering, Inc	975 Comstock Street, Marne, MI 49435	1/25/2021	The firm manufactures metal stamping dies.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE—Continued

[1/15/2021 through 1/26/2021]

Firm name	Firm address	Date accepted for investigation	Product(s)
Liberty Industries Investments, LLC d/b/a Liberty Trailers.	130 East Cemetery Road, Fillmore, IN 46128.	1/26/2021	The firm manufactures utility trailers and flatbed trailers.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Bryan Borlik,

Director.

[FR Doc. 2021–02654 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–06–2021]

Foreign-Trade Zone 240—Martinsburg, West Virginia; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the West Virginia Economic Development Authority, grantee of FTZ 240, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 4, 2021.

FTZ 240 was approved by the FTZ Board on February 7, 2000 (Board Order 1071, 65 FR 8119, February 17, 2000). The current zone includes the following site: *Site 1* (317 acres)—Eastern West Virginia Regional Airport complex, 170 Aviation Way, Martinsburg.

The grantee's proposed service area under the ASF would be Berkley, Hampshire, Hardy, Jefferson and Morgan Counties, West Virginia, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Front Royal, Virginia Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include the existing site as a ''magnet'' site. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 be so exempted. No subzones/usage-driven sites are being requested at this time.

In accordance with the FTZ Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 12, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 26, 2021.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.* For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov.*

Dated: February 4, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–02640 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–062]

Cast Iron Soil Pipe Fittings From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Wor-Biz Industrial Product Co., Ltd. (Anhui) (Wor-Biz) [1] has made sales of cast iron

[1] On January 8, 2020, Commerce determined that Wor-Biz Industrial Product Co., Ltd. (Anhui) is the successor-in-interest to Wor-Biz Trading Co., Ltd. (Anhui) and is therefore entitled to that company's cash deposit rate with respect to entries of subject merchandise. *See Cast Iron Soil Pipe Fittings from the People's Republic of China: Final Results of Changed Circumstances Review,* 85 FR 881 (January 8, 2020).

soil pipe fittings (soil pipe fittings) from the People's Republic of China (China) at prices below normal value during the period of review (POR) February 20, 2018, through July 31, 2019. We also determine that Qinshui Shunsida Casting Co., Ltd. (Shunshida) is not eligible for a separate rate and is, therefore, part of the China-wide entity.

DATES: Applicable February 9, 2021.

FOR FURTHER INFORMATION CONTACT: 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: 202–482–2285.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of the administrative review on June 24, 2020.[2] For the events that occurred since Commerce published the *Preliminary Results, see* the Issues and Decision Memorandum.[3] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days.[4] On December 18, 2020, Commerce extended the deadline for the final results of this review.[5] The revised deadline for the final results of this review is now June 21, 2021.

Scope of the Order[6]

The product covered by the *Order* is soil pipe fittings from China. A full description of the scope of the order is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum. A list of these issues is in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and electronic version of the Issues and Decision Memorandum are identical in content.

Changes From the Preliminary Results

Based on our analysis of the comments received, Commerce made no revisions to the calculations of the rates assigned to Wor-Biz and the non-examined separate rate respondents.

Separate Rates

In the *Preliminary Results,* we determined that Dalian Lino F.T.Z. Co., Ltd., Dalian Metal I/E Co., Ltd., Dinggin Hardware (Dalian) Co., Ltd., and Shijiazhuang Asia Casting Co., Ltd., which were not selected for individual review, demonstrated their eligibility for separate rates, and we continue to do so in these final results.

Rate for Non-Examined Separate Rate Respondents

The statute and our regulations do not address the establishment of a rate to be assigned to respondents not selected for individual examination when we limit our examination of companies subject to the administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, we look to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents not individually examined in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' Accordingly, Commerce's usual practice in determining the rate for separate rate respondents not selected for individual examination, has been to average the weighted-average dumping margins for the selected companies, excluding rates that are zero, *de minimis,* or based entirely on facts available.[7] However, when the weighted-average dumping margins established for all individually investigated respondents are zero, *de minimis,* or based entirely on adverse facts available (AFA), section 735(c)(5)(B) of the Act permits Commerce to ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.''

For the final results of this review, Wor-Biz is the only individually examined respondent that received a weighted-average dumping margin that is neither *de minimis* nor based entirely on AFA. Therefore, we have assigned Wor-Biz's margin to all eligible non-selected separate rate respondents.

The China-Wide Entity

Commerce considers all companies for which a review was requested and which did not demonstrate separate rate eligibility to be part of the China-wide entity. For the final results of this administrative review, we consider six companies to be part of the China-wide entity: Golden Orange International Ltd., Hebei Metals & Engineering Products Trading Co., Ltd., Qinshui Shunshida Casting Co., Ltd., Richang Qiaoshan Trade Co., Ltd., Shanxi Zhongrui Tianyue Trading Co., Ltd., and Yangcheng Country Huawant Universal.

Final Results of Administrative Review

For the companies subject to this administrative review, including the companies that established their eligibility for a separate rate, Commerce determines that the following weighted-average dumping margins exist for the period February 20, 2018, through July 31, 2019:

Producers/exporters	Weighted-average dumping margin (percent)
Wor-Biz Industrial Product Co., Ltd. (Anhui)	18.16
Non-Selected Companies Under Review Receiving a Separate Rate:	
Dalian Lino F.T.Z. Co., Ltd	18.16
Dalian Metal I/E Co., Ltd	18.16

[2] *See Cast Iron Soil Pipe Fittings from the People's Republic of China: Preliminary Results of the Antidumping Results of the Antidumping Duty Administrative Review 2018–2019,* 85 FR 37832 (June 24, 2020) (*Preliminary Results*), and the accompanying preliminary decision memorandum.

[3] *See* Memorandum, ''Issues and Decision Memorandum: Antidumping Duty Administrative Review of Cast Iron Soil Pipe Fittings from the People's Republic of China; 2018–2019,'' dated concurrently with, and hereby adopted by, the notice (Issues and Decision Memorandum).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[5] See Memorandum, ''Cast Iron Soil Pipe Fittings from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated December 18, 2020.

[6] *See Cast Iron Soil Pipe Fittings from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 83 FR 44570 (August 31, 2018) (the *Order*).

[7] *See Longkou Haimeng Mach. Co.* v. *United States,* 581 F. Supp. 2d 1344, 1357–60 (CIT 2008) (affirming Commerce's determination to assign a 4.22 percent dumping margin to the separate rate respondents in a segment where the three mandatory respondents received dumping margins of 4.22 percent, 0.03 percent, and zero percent, respectively); *see also Certain Kitchen Appliance Shelving and Racks from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 74 FR 36656, 36660 (July 24, 2009).

Producers/exporters	Weighted-average dumping margin (percent)
Dinggin Hardware (Dalian) Co., Ltd ...	18.16
Shijiazhuang Asia Casting Co., Ltd ...	18.16

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with a final results of review within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, here, Commerce made no adjustments to the margin calculation methodology used in the *Preliminary Results,* therefore there are no calculations to disclose for the final results.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this administrative review. Consistent with its recent notice,[8] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For entries that were not reported in the U.S. sales database submitted by Wor-Biz during this review, and for the companies that did not qualify for a separate rate in this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate (*i.e.,* 360.30 percent).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For companies listed above which have a separate rate, the cash deposit rate will be the weighted-average dumping margin established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a 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 POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: January 29, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Issue
   Comment: Whether to Average Surrogate Values for Financial Ratios
5. Recommendation

[FR Doc. 2021–02597 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–839]

Carbazole Violet Pigment 23 From India: Final Results of the Expedited Third Five-Year Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on carbazole violet pigment 23 (CVP 23) from India would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable February 9, 2021.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 2004, Commerce published its CVD order on CVP 23 from India in the **Federal Register**.[1] On October 1, 2020, Commerce published the notice of initiation of the third sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Commerce received a notice of intent to participate from Sun Chemical Corporation (domestic interested party or Sun), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Sun claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of CVP 23 in the United States.

Commerce received a substantive response from the domestic interested

[1] *See Notice of Countervailing Duty Order: Carbazole Violet Pigment 23 from India,* 69 FR 77995 (December 29, 2004) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 85 FR 61928 (October 1, 2020).

[3] *See* Sun's Letter, ''Carbazole Violet Pigment 23 from the Republic of India: Notice of Intent to Participate In 3rd Sunset Review of Countervailing Duty Order,'' dated October 9, 2020.

party[4] within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive response from any other domestic or respondent interested parties in this proceeding, nor was a hearing requested.

On November 20, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[5] 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 this *Order.*

Scope of the Order

The merchandise covered by the scope of the *Order* is CVP 23 identified as Color Index No. 51319 and Chemical Abstract No. 6358–30–1, with the chemical name of *diindolo [3,2-b:3′,2′-m] triphenodioxazine, 8,18-dichloro-5,15-diethy-5,15-dihydro-,* and molecular formula of C34H22Cl2N4O2.[6] The subject merchandise includes the crude pigment in any form (*e.g.,* dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (*e.g.,* pigments dispersed in oleoresins, flammable solvents, water) are not included within the scope of the order.

The merchandise subject to this *Order* is classifiable under subheading 3204.17.9040 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise covered by the scope of the *Order* is dispositive. For a complete description of the scope of the *Order, see* the accompanying Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on CVP–23 from India would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy rate (*ad valorem*) (percent)
Alpanil Industries Ltd	14.93
Pidilite Industries Ltd	15.24
AMI Pigments Pvt. Ltd	33.61
All Others	18.66

Administrative Protective Order (APO)

This notice also serves as the only reminder to 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 the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: January 29, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. History of the Order
IV. Scope of the Order
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates Likely to Prevail
3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–02598 Filed 2–8–21; 8:45 am]

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[4] *See* Sun's Letter, ''Carbazole Violet Pigment 23 from the Republic of India: Petitioner's Substantive Response,'' dated October 30, 2020.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on October 1, 2020,'' dated November 20, 2020.

[6] The bracketed section of the product description, *[3,2-b:3′,2′-m],* is not business proprietary information; the brackets are simply part of the chemical nomenclature.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Third Sunset Review of the Countervailing Duty Order on Carbazole Violet Pigment 23 from India,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–948]

Steel Grating From the People's Republic of China: Final Results of the Expedited Second Five-Year Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this second sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on steel grating from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable February 9, 2021.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 2010, Commerce published its CVD order on steel grating from China in the **Federal Register**.[1] On October 1, 2020, Commerce published the notice of initiation of the second sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Commerce received a notice of intent to participate from Nucor Grating; IKG USA, LLC; Ohio Gratings, Inc.; Interstate Gratings, LLC; and Lichtgitter USA Inc. (collectively, the Metal Grating Coalition), within the deadline specified

[1] *See Certain Steel Grating from the People's Republic of China: Countervailing Duty Order,* 75 FR 43144 (July 23, 2010) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 85 FR 61928 (October 1, 2020).

in 19 CFR 351.218(d)(1)(i).[3] The Metal Grating Coalition claimed interested party status under section 771(9)(F) of the Act, as each member is a manufacturer of the domestic like product in the United States and, accordingly, are domestic interested parties under section 771(9)(C) of the Act.

Commerce received a substantive response from the Metal Grating Coalition [4] within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We did not receive a substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On November 20, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[5] 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 this *Order.*

Scope of the Order

The merchandise covered by the scope of this *Order* is steel grating. Imports of merchandise included within the scope of this *Order* are currently classifiable under subheading 7308.90.7000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise covered by the scope of the *Order* is dispositive. For a complete description of the scope of the *Order, see* the accompanying Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on steel grating from China would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
Ningbo Jiulong Machinery Manufacturing Co., Ltd	62.46
All Others	62.46

Administrative Protective Order (APO)

This notice also serves as the only reminder to 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 the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: January 29, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. History of the Order
IV. Scope of the Order
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates Likely To Prevail
3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–02596 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* Metal Grating Coalition's Letter, ''Steel Grating from the People's Republic of China: Notice of Intent to Participate in Sunset Review'' dated October 16, 2020.

[4] *See* Metal Grating Coalition's Letter, ''Steel Grating from the People's Republic of China: Substantive Response to the Notice of Initiation of Sunset Review,'' dated November 2, 2020.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on October 1, 2020,'' dated November 20, 2020.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Second Sunset Review of the Countervailing Duty Order on Steel Grating from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–051; C–570–052]

Certain Hardwood Plywood Products From the People's Republic of China: Initiation of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews

AGENCY: Enforcement and Compliance International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is initiating changed circumstances reviews (CCRs) of the antidumping duty (AD) and countervailing duty (CVD) orders on certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China).

DATES: Applicable February 9, 2021.

FOR FURTHER INFORMATION CONTACT: Nicolas Mayora, 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) 482–3053.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2018, Commerce published the AD and CVD orders on hardwood plywood from China.[1] On October 15, 2020, the Coalition for Fair Trade in Hardwood Plywood (the petitioner), requested that Commerce initiate CCRs to revoke, in part, the AD and CVD orders on hardwood plywood from China with respect to certain finished laminated veneer lumber (LVL) door stiles and rails, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).[2] The petitioner also

[1] *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018), and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 82 FR 513 (January 4, 2018) (collectively, *Orders*).

[2] *See* Petitioner's Letter, ''Hardwood Plywood Products from the People's Republic of China: Request for Changed Circumstances Review and Partial Revocation,'' dated October 15, 2020 (CCR Request); Commerce's Letter, ''Clarification of Changed Circumstances Review and Partial Revocation Request,'' dated November 12, 2020; Commerce's Letter, ''Clarification of Changed Circumstances Review and Partial Revocation

requested that Commerce simultaneously issue the initiation and preliminary results partially revoking the *Orders* and that it conduct these CCRs on an expedited basis.[3]

Scope of the Orders

The merchandise covered by these *Orders* is hardwood plywood from China. For a complete description of the scope of the *Orders, see* Appendix.

Proposed Revocation of the Orders, in Part

The petitioner requests that the *Orders* be revoked, in part, with respect to certain door stiles and rails made of LVL that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters.[4] The petitioner further requests that Commerce specify an effective date of this partial revocation to the *Orders* that coincides with the preliminary determinations of the AD and CVD investigations in these proceedings, *i.e.,* June 23, 2017, and April 25, 2017, respectively.[5] Should Commerce determine to partially revoke the *Orders,* the petitioner proposes that Commerce amend the scope language as follows: ''Also excluded are laminated veneer lumber door stiles and rails that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters.'' [6]

Initiation of Changed Circumstances Reviews

Pursuant to section 751(b)(1) of the Act, and 19 CFR 351.216(d), Commerce will conduct a CCR of an AD or CVD order when it receives information which shows changed circumstances sufficient to warrant such a review. Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order, in whole or in part. In the event Commerce determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits Commerce to combine the notices of initiation and preliminary results.

The petitioner asserts that it accounts for ''substantially all'' [7] of the domestic production of hardwood plywood.[8] We are not combining this notice of initiation with a preliminary determination, pursuant to 19 CFR 351.222(c)(3)(ii), to provide interested parties with an opportunity to address the issue of domestic industry support with respect to this requested partial revocation of the *Orders.* Additionally, we request that interested parties notify Commerce if they have made any shipments of merchandise covered by the revocation request (door stiles and rails made of LVL that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters) that (a) were entered, or withdrawn from warehouse, for consumption on or after June 23, 2017, and April 25, 2017, and (b) are subject to ongoing litigation and enjoined from liquidation. After examining comments, if any, concerning these issues, we will issue the preliminary results of these CCRs.

Based on the petitioner's affirmative statement of no interest in the *Orders* with respect to certain finished LVL door stiles and rails, and because more than 24 months have passed since the publication of the *Final Determinations,*[9] we find that the conditions warrant initiation of these CCRs.[10] According to the petitioner, certain specific LVL door stiles and rails are more appropriately considered wood mouldings and/or millwork products and should not be covered by the scope of the *Orders.* Instead, these products should be covered by the scope of the AD and CVD investigations on wood mouldings and millwork products from China.[11]

Public Comment

Interested parties are invited to provide comments and/or factual information regarding these CCRs, including comments on industry support, the proposed partial revocation language, and whether any of their entries are covered by this revocation request but enjoined from liquidation due to an injunction issued in ongoing litigation. Comments and factual information may be submitted to Commerce no later than ten days after the date of publication of this notice. Rebuttal comments and rebuttal factual information may be filed with Commerce no later than seven days after the comments and/or factual information are filed.[12] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[13] All submissions must be filed electronically using the Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* An electronically-filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the due date set forth in this notice.

Preliminary and Final Results of the Review

Commerce intends to publish in the **Federal Register** a notice of the preliminary results of these AD and CVD CCRs in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i), which will set forth Commerce's preliminary factual and legal conclusions. Commerce will issue its final results of these CCRs in accordance with the time limits set forth in 19 CFR 351.216(e).

Notification to Interested Parties

This notice is published in accordance with section 751(b)(1) of the Act, and 19 CFR 351.221(b)(1).

Request,'' dated November 17, 2020; and Petitioner's Letter, ''Hardwood Plywood Products from the People's Republic of China: Response to Clarification of Changed Circumstances Review and Partial Revocation Request,'' dated December 10, 2020 (CCR Clarification Response).

[3] *See* CCR Request at 8; and CCR Clarification Response at 7.

[4] *Id.* at 3.

[5] *Id.* at 6.

[6] *Id.*

[7] In its administrative practice, Commerce has interpreted ''substantially all'' to mean at least 85 percent of the total production of the domestic like product covered by the order. *See, e.g., Supercalendered Paper from Canada: Final Results of Changed Circumstances Review and Revocation of Countervailing Duty Order,* 83 FR 32268 (July 12, 2018).

[8] *See* CCR Request at 6–7 (identifying percentage production in 2019 (designated as business proprietary information)); *see also* CCR Clarification Response.

[9] *See* 19 CFR 351.216(c); *see also Certain Hardwood Plywood Products from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances, in Part,* 82 FR 53460 (November 16, 2017), and *Countervailing Duty Investigation of Certain Hardwood Plywood Products from the People's Republic of China: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part,* 82 FR 53473 (November 16, 2017) (collectively, *Final Determinations*).

[10] *See, e.g., Certain Cold-Rolled Steel Flat Products from Japan: Initiation and Preliminary Results of Changed Circumstances Review, and Intent to Revoke Order in Part,* 82 FR 821 (January 4, 2017) (finding that ''Petitioners' affirmative statement of no interest in the order . . . . . constitutes good cause for the conduct of this review'').

[11] *See Wood Mouldings and Millwork Products from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 63 (January 4, 2021); *see also Wood Mouldings and Millwork Products from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 86 FR 67 (January 4, 2021).

[12] Submissions of rebuttal factual information must comply with 19 CFR 351.301(b)(2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[13] *See Temporary Rule.*

Dated: January 25, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Orders

The merchandise subject to these *Orders* is hardwood and decorative plywood, and certain veneered panels as described below. For purposes of this proceeding, hardwood and decorative plywood is defined as a generally flat, multilayered plywood or other veneered panel, consisting of two or more layers or plies of wood veneers and a core, with the face and/or back veneer made of non-coniferous wood (hardwood) or bamboo. The veneers, along with the core may be glued or otherwise bonded together. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP–1–2016 (including any revisions to that standard).

For purposes of this proceeding a ''veneer'' is a slice of wood regardless of thickness which is cut, sliced or sawed from a log, bolt, or flitch. The face and back veneers are the outermost veneer of wood on either side of the core irrespective of additional surface coatings or covers as described below.

The core of hardwood and decorative plywood consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to hardwood, softwood, particleboard, or medium-density fiberboard (MDF).

All hardwood plywood is included within the scope of these *Orders* regardless of whether or not the face and/or back veneers are surface coated or covered and whether or not such surface coating(s) or covers obscures the grain, textures, or markings of the wood. Examples of surface coatings and covers include, but are not limited to: Ultra violet light cured polyurethanes; oil or oil-modified or water based polyurethanes; wax; epoxy-ester finishes; moisture-cured urethanes; paints; stains; paper; aluminum; high pressure laminate; MDF; medium density overlay (MDO); and phenolic film. Additionally, the face veneer of hardwood plywood may be sanded; smoothed or given a ''distressed'' appearance through such methods as hand-scraping or wire brushing. All hardwood plywood is included within the scope even if it is trimmed; cut-to-size; notched; punched; drilled; or has underwent other forms of minor processing.

All hardwood and decorative plywood is included within the scope of these *Orders,* without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most common panel sizes of hardwood and decorative plywood are 1,219 x 1,829 mm (48 x 72 inches), 1,219 x 2,438 mm (48 x 96 inches), and 1,219 x 3,048 mm (48 x 120 inches).

Subject merchandise also includes hardwood and decorative plywood that has been further processed in a third country, including but not limited to trimming, cutting, notching, punching, drilling, or any other processing that would not otherwise remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the in-scope product.

The scope of the *Orders* excludes the following items: (1) Structural plywood (also known as ''industrial plywood'' or ''industrial panels'') that is manufactured to meet U.S. Products Standard PS 1–09, PS 2–09, or PS 2–10 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), and which has both a face and a back veneer of coniferous wood; (2) products which have a face and back veneer of cork; (3) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on Multilayered Wood Flooring from the People's Republic of China, Import Administration, International Trade Administration. *See Multilayered Wood Flooring from the People's Republic of China,* 76 FR 76690 (December 8, 2011) (amended final determination of sales at less than fair value and antidumping duty order), and *Multilayered Wood Flooring from the People's Republic of China,* 76 FR 76693 (December 8, 2011) (countervailing duty order), as amended by *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012); (4) multilayered wood flooring with a face veneer of bamboo or composed entirely of bamboo; (5) plywood which has a shape or design other than a flat panel, with the exception of any minor processing described above; (6) products made entirely from bamboo and adhesives (also known as ''solid bamboo''); and (7) Phenolic Film Faced Plyform (PFF), also known as Phenolic Surface Film Plywood (PSF), defined as a panel with an ''Exterior'' or ''Exposure 1'' bond classification as is defined by The Engineered Wood Association, having an opaque phenolic film layer with a weight equal to or greater than 90g/m3 permanently bonded on both the face and back veneers and an opaque, moisture resistant coating applied to the edges.

Excluded from the scope of these Orders are wooden furniture goods that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of these *Orders* is ''ready to assemble'' (RTA) furniture. RTA furniture is defined as (A) furniture packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of furniture, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, adhesive glues) required to assemble a finished unit of furniture, and (3) instructions providing guidance on the assembly of a finished unit of furniture; (B) unassembled bathroom vanity cabinets, having a space for one or more sinks, that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional component shape/size, painted or stained prior to importation, and stacked within a singled shipping package, except for furniture feet which may be packed and shipped separately; or (C) unassembled bathroom vanity linen closets that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional shape/size, painted or stained prior to importation, and stacked within a single shipping package, except for furniture feet which may be packed and shipped separately.

Excluded from the scope of these *Orders* are kitchen cabinets that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of these *Orders* are RTA kitchen cabinets. RTA kitchen cabinets are defined as kitchen cabinets packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of cabinetry, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, hooks, adhesive glues) required to assemble a finished unit of cabinetry, and (3) instructions providing guidance on the assembly of a finished unit of cabinetry.

Excluded from the scope of these *Orders* are finished table tops, which are table tops imported in finished form with pre-cut or drilled openings to attach the underframe or legs. The table tops are ready for use at the time of import and require no further finishing or processing.

Excluded from the scope of these *Orders* are finished countertops that are imported in finished form and require no further finishing or manufacturing.

Excluded from the scope of these *Orders* are laminated veneer lumber door and window components with (1) a maximum width of 44 millimeters, a thickness from 30 millimeters to 72 millimeters, and a length of less than 2413 millimeters (2) water boiling point exterior adhesive, (3) a modulus of elasticity of 1,500,000 pounds per square inch or higher, (4) finger-jointed or lap-jointed core veneer with all layers oriented so that the grain is running parallel or with no more than 3 dispersed layers of veneer oriented with the grain running perpendicular to the other layers; and (5) top layer machined with a curved edge and one or more profile channels throughout.

Imports of hardwood plywood are primarily entered under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2510; 4412.31.2520; 4412.31.2610; 4412.31.2620; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4075; 4412.31.4080; 4412.31.4140; 4412.31.4150; 4412.31.4160; 4412.31.4180; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.5235; 4412.31.5255; 4412.31.5265; 4412.31.5275; 4412.31.6000; 4412.31.6100; 4412.31.9100; 4412.31.9200; 4412.32.0520; 4412.32.0540; 4412.32.0565; 4412.32.0570; 4412.32.0620; 4412.32.0640; 4412.32.0670; 4412.32.2510; 4412.32.2525; 4412.32.2530; 4412.32.2610; 4412.32.2630; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.3235;

4412.32.3255; 4412.32.3265; 4412.32.3275; 4412.32.3285; 4412.32.5600; 4412.32.3235; 4412.32.3255; 4412.32.3265; 4412.32.3275; 4412.32.3285; 4412.32.5700; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3141; 4412.94.3161; 4412.94.3175; 4412.94.4100; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5115; and 4412.99.5710.

Imports of hardwood plywood may also enter under HTSUS subheadings 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.10.9000; 4412.94.5100; 4412.94.9500; and 4412.99.9500. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

[FR Doc. 2021–02642 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant College Program (NSGCP) Notice of Solicitation of Letters of Intent

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic and Atmospheric Research (OAR), Department of Commerce (DOC).

ACTION: Notice of solicitation of letters of intent to apply to become the Guam Sea Grant Institutional Program.

SUMMARY: The National Sea Grant College Program is requesting letters of intent from eligible applicants to become a Sea Grant Institutional Program serving the United States territory of Guam. An Institutional Program can be defined as a program that has demonstrated competence as a Coherent Area Program and has shown the ability to support broad responsibilities for the development of Sea Grant state, regional, and national activities, engaging all of the institutions of higher learning in the region. Only institutions that have been the host entity of a Sea Grant Coherent Area Program for at least three years are eligible to apply. The National Sea Grant College Act of 1976, as amended by 33 U.S.C. 1121 *et seq.* (the ''Act'' hereinafter) authorizes the NOAA to designate a Sea Grant institution on the basis of merit and that such designation is consistent with the goals of the Act.

DATES: Letters of intent must be received by March 11, 2021.

ADDRESSES: Letters of intent will be accepted by email to *oar.sg.info-admin@noaa.gov.* Please put ''Guam Institutional Program'' in the Subject line. All letters of intent will be acknowledged. If you do not receive an acknowledgement of your letter of intent within five days of sending it, please contact us using the information below.

SUPPLEMENTARY INFORMATION: Currently, 34 Sea Grant Programs are located in every coastal and Great Lakes state, Guam and Puerto Rico. These Programs are partnerships between the Federal government and universities or other institutions with higher learning mandates, funded by Federal grants. More information about the National Sea Grant College Program can be found at *http://seagrant.noaa.gov/.* There is currently no Sea Grant Program whose main area of service is Guam that has been recognized with Institutional or College status.

To be eligible to apply to this solicitation, an institution must have been the host entity of a Sea Grant Coherent Area Program for a minimum of three years. A ''Coherent Area Program'' is a grant-funded program selected by NOAA in order to conduct Sea Grant activities limited in geographic area and/or scope. All Coherent Area Programs are subject to Sea Grant review procedures and are periodically evaluated against Sea Grant project evaluation criteria.

A letter of intent must include the following information: A non-binding statement of intent to submit a full application to be considered for a Guam Institutional Sea Grant Program;

—Identification (name, address, and type of organization) of the institution, or group of institutions, that will submit the full application;
—Affirmation that the sender of the letter is authorized to represent that institution or group in seeking designation as an Institutional Sea Grant Program;
—Name and contact details (including email address) of the person to whom correspondence should be sent.

Eligible applicants who submit a letter of intent will be provided a complete information package on how to prepare and submit a full application, the criteria against which the application will be evaluated (which are drawn from regulation at 15 CFR 918.3 ''Eligibility, qualifications, and responsibility of a Sea Grant College''), the evaluation procedure (which may include both document review and a site visit), and the conditions on the institution or group that are associated with accepting Sea Grant Institutional Program status.

Contact Information: For any additional questions concerning this solicitation, please contact Rebecca Briggs at 301–734–1084 or by email at *rebecca.briggs@noaa.gov.* Please put ''Guam Institutional Status'' in the subject line.

Dated: January 28, 2021.

David Holst,

Director Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–02579 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for the meeting of the Science Advisory Board (SAB). The members will discuss issues outlined in the section on Matters to be considered.

DATES: The meeting is scheduled for March 15, 2021 from 1:00 p.m. to 5:00 p.m. (EDT) and March 17, 2021 from 1:00 p.m. to 5:00 p.m. (EDT). This time and the agenda topics described below are subject to change.

For the latest agenda please refer to the SAB website: *http://sab.noaa.gov/SABMeetings.aspx.*

ADDRESSES: This is a virtual meeting. The webinar registration links for the March 15 and 17, 2021 meeting may be found on the website at *http://sab.noaa.gov/SABMeetings.aspx.*

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 301–734–1156; Email: *Cynthia.Decker@noaa.gov;* or visit the SAB website at *http://sab.noaa.gov/SABMeetings.aspx.*

SUPPLEMENTARY INFORMATION: The NOAA Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice

provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

STATUS: The March 15 and 17, 2021 meeting will be open to public participation with a 15-minute public comment period at 4:45 p.m. EST on March 15. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three minutes. Written comments for the March 15 and 17, 2021 meeting should be received in the SAB Executive Director's Office by March 1, 2021 to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after this date will be distributed to the SAB, but may not be reviewed prior to the meeting date.

SPECIAL ACCOMMODATIONS: This meeting is physically accessible to people with disabilities. Requests for special accommodations may be directed to the Executive Director no later than 12 p.m. on March 1, 2021.

MATTERS TO BE CONSIDERED: The meeting on March 15 and 17, 2021 will include (1) NOAA Update; (2) NOAA Response to SAB Report: Data Archive and Access Requirements Working Group on Preparing for a Cloudy Future; (3) NOAA Response to SAB Report: Ecosystem Sciences and Management Working Group Report on Improving Fish Stock Assessments: A Report on Emerging Stock Assessment Technologies; (4) Update on Diversity, Equity, and Inclusion Discussion; (5) NOAA Response to CWG Subseasonal-to-Seasonal-to-Decadal (S2S2D): A Pathway to Improved Prediction White Paper; (6) SAB Climate Working Group Advancing Earth Systems Prediction White Paper; (7) SAB Ecosystem Sciences and Management Working Group Report on Decision Making Under Deep Uncertainty (DMDU); and (8) Update on SAB Work Plan Priority Topics. The full agenda will be published on the SAB website. Meeting materials, including work products, will also be available on the SAB website: *http://sab.noaa.gov/SABMeetings.aspx*.

Dated: January 29, 2021.

David Holst,

Director Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–02578 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA850]

South Atlantic Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice of correction of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the following: Law Enforcement Committee; Habitat and Ecosystem-Based Management Committee, Mackerel Cobia Committee, Snapper Grouper Committee; Dolphin Wahoo Committee; Southeast Data, Assessment and Review (SEDAR) Committee (partially Closed Session); and Executive Committee. The meeting week will also include a formal public comment session and a meeting of the Full Council. Due to public health concerns associated with COVID–19 and current travel restrictions the meeting will be held via webinar.

DATES: The Council meeting will be held from 12:30 p.m. on Monday, March 1, 2021 until 12 p.m. on Friday, March 5, 2021.

ADDRESSES: *Meeting address:* The meeting will be held via webinar.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: This notice serves as a correction to a notice that published in the **Federal Register** on February 3, 2021 (86 FR 7992). Under **SUPPLEMENTARY INFORMATION**, the following agenda item has changed: *SEDAR Committee, Thursday, March 4, 2021, 8:30 a.m. until 10:30 a.m. (Partially Closed Session).*

The Committee will make appointments for the SEDAR 79 stock assessment for mutton snapper during Closed Session. In Open Session, the Committee will approve terms of reference for SEDAR 79 and will receive updates on SEDAR 79 and SEDAR 76 stock assessment for South Atlantic black sea bass.

All other previously-published information remains unchanged.

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

Dated: February 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–02604 Filed 2–8–21; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2021–0002]

Privacy Act of 1974; System of Records

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of a new system of records.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau) is establishing CFPB.029, Public Health and Safety System, a system of records under the Privacy Act of 1974. This system of records maintains information collected in response to a public health emergency or similar health and safety incident, such as a pandemic, epidemic, or man-made emergency, that is necessary to ensure a safe and healthy environment for individuals who are occupying CFPB facilities, attending CFPB-sponsored events, or otherwise engaged in official business on behalf of the Bureau.

DATES: Comments must be received no later than March 11, 2021. The new system of records will be effective March 11, 2021, unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments, identified by the title and docket number (*see* above Docket No. CFPB–2021–0002), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: privacy@cfpb.gov.*
- *Mail/Hand Delivery/Courier:* Tannaz Haddadi, Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID–19 pandemic, the Bureau discourages the submission of comments by mail, hand delivery, or courier.

All submissions must include the agency name and docket number for this notice. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, once the Bureau's headquarters reopens, comments will be

available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. At that time, you can make an appointment to inspect comments by telephoning (202) 435–9169. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Tannaz Haddadi, Chief Privacy Officer, at (202) 435–7058. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Bureau is establishing CFPB.029, Public Health and Safety System, a system of records under the Privacy Act of 1974. The Bureau is committed to providing all Bureau staff, visitors, and occupants of its facilities with a safe and healthy environment. To ensure and maintain the safety of all occupants during a public health emergency or similar health and safety incident, such as pandemic, epidemic, or man-made emergency, the Bureau may develop and institute additional safety measures that requires the collection of personal information. During public health emergencies, such as a pandemic or epidemic, the Bureau may need to institute safety measures such as tracing potential exposures and notifying individuals who may have come into contact with pathogens or other contagious agents or preventing the threat of or further exposure. These measures may require Bureau staff, visitors, and other occupants of CFPB spaces to provide information about such exposures or their general health before being allowed access or continue to access a Bureau facility, space, or worksite. During man-made emergencies, such as the intentional or accidental release of hazardous materials or agents (*e.g.,* chemical, biological, radioactive, or nuclear materials), the Bureau may institute similar measures to trace potential exposure prior to granting staff, visitors, or other occupants access or continued access to Bureau facilities in an effort to prevent further exposure. Information will be collected and maintained in accordance with applicable law, regulations, and statutes, including, but not limited to, the Rehabilitation Act and regulations and guidance published by the U.S. Occupational Safety and Health Administration, the U.S. Equal Employment Opportunity Commission, and the U.S. Centers for Disease Control and Prevention.

SYSTEM NAME AND NUMBER:

CFPB.029, Public Health and Safety System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Bureau of Consumer Financial Protection Headquarters at 1700 G Street NW, Washington, DC 20552.

SYSTEM MANAGER(S):

Chief Operating Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 668; E.O. 12196, *Occupational Safety and Health Programs for Federal Employees* (Feb. 26, 1980); E.O. 12656, *Assignment of Emergency Preparedness Responsibilities* (Nov. 18, 1988); 29 U.S.C. 791 *et seq.;* 12 U.S.C. 5492.

PURPOSE(S) OF THE SYSTEM:

The information in this system is collected to maintain a safe and healthy environment in Bureau spaces and facilities and to protect Bureau staff, visitors, or occupants from risks associated with a public health emergency or similar health and safety incident, such as pandemic, epidemic, or man-made emergency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include Bureau staff (political appointees, employees, contractors, consultants, interns, and volunteers), visitors, and occupants who access or seek to access Bureau facility, space, or worksite or individuals otherwise engaged in official business on behalf of the Bureau. The system also covers individuals identified as emergency contacts for Bureau staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system maintains information collected about Bureau staff, visitors, and occupants that will help the Bureau trace potential exposures and notify individuals who may have come into contact with a pathogen, contagious agent, or other hazardous materials due to a public health or man-made emergency. The information collected and maintained by the system about those individuals may include, but is not limited to, their name, contact information, employee identification number (if applicable), the dates when they visited the facility, space, or worksite, whether they may have potentially come into contact with the pathogen or other hazardous materials or agents, dates the Bureau was made aware of the exposure, the locations that they visited within the facility, space, or worksite (*e.g.,* office and/or cubicle number), and the duration of time spent in the facility, space, or worksite. The Bureau may collect information to assess or ensure the health and safety of the facility, space, or worksite prior to allowing access Bureau staff, visitors, or occupants as a result of these emergencies. This information may vary depending on the nature of the specific emergency or event and may include, but is not limited to recent travel dates and location, temperature, symptoms or related diagnosis, or other medical, heath, or safety information related to the event or emergency, which would be collected and maintained in accordance with applicable laws and regulations. The system may also include information related to subsequent actions taken by the Bureau or building management to address the incident. Furthermore, the system includes the name, phone number, and email address of individuals identified as emergency contacts for Bureau staff.

RECORD SOURCE CATEGORIES:

The information in this system in part is collected directly from the individual or from the individual's emergency contact. Information may also be collected from security systems that monitor access to Bureau facilities, such as badging systems, video surveillance, human resources systems, and emergency notification systems. Information may also be collected from property management companies responsible for managing office buildings that house Bureau facilities and spaces.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed, consistent with the Bureau's Disclosure of Records and Information Rules, promulgated at 12 CFR part 1070, to:

(1) Appropriate agencies, entities, and persons when (a) the Bureau suspects or has confirmed that there has been a breach of the system of records; (b) the Bureau has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Bureau (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with the Bureau's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(2) Another Federal agency or Federal entity, when the Bureau determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(3) Another Federal or State agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(4) The Executive Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(5) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the Bureau or Federal Government and who have a need to access the information in the performance of their duties or activities;

(7) The Department of Justice (DOJ) for its use in providing legal advice to the Bureau or in representing the Bureau in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the Bureau to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest:

(a) The Bureau;

(b) Any employee of the Bureau in his or her official capacity;

(c) Any employee of the Bureau in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the Bureau determines that litigation is likely to affect the Bureau or any of its components;

(8) A grand jury pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court. In those cases where the Federal Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(9) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(10) Appropriate national, State, tribal, local, or territorial public health entities responsible for infection prevention and control, testing, community mitigation, surveillance and data analytics, and tracing of exposures in their respective jurisdictions;

(11) Appropriate agencies, entities, and persons to the extent necessary to obtain information relevant to current and former Bureau employees' benefits, compensation, and employment;

(12) Appropriate Federal, State, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, or license, if the information is relevant to and indicates a violation or a potential violation of civil or criminal law, rule, regulation, order, or license within the responsibilities of the recipient agency; and

(13) Bureau staff, visitors, emergency contacts, or others to the extent necessary to locate an individual during a public health or safety emergency, trace potential exposures, and/or notify individuals who may have come into contact with the pathogen or hazardous agent or material as a result of accessing or visiting a CFPB facility, space, or worksite.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are maintained in paper and electronic media. Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by a variety of fields including, without limitation, the individual's name, contact information, or by some combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Bureau will maintain electronic and paper records indefinitely until the National Archives and Records Administration (NARA) approves the CFPB's records disposition schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in writing in accordance with instructions in 12 CFR 1070.50 *et seq.* Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Instructions are also provided on the Bureau website: *https://www.consumerfinance.gov/foia-requests/submit-request/.*

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest the content of any record contained in this system of records may inquire in writing in accordance with instructions in 12 CFR 1070.50 *et seq.* Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Instructions are also provided on the Bureau website: *https://www.consumerfinance.gov/privacy/amending-and-correcting-records-under-privacy-act/.*

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a new system of records.

Dated: February 4, 2021.

Ren Essene,

Senior Agency Official for Privacy, Bureau of Consumer Financial Protection.

[FR Doc. 2021–02668 Filed 2–8–21; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0171]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Survey of Charter School Facilities

AGENCY: Office of Integration and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before March 11, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Nicoisa Jones, (202) 453–6695.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Survey of Charter School Facilities.

OMB Control Number: 1855–0024.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 700.

Total Estimated Number of Annual Burden Hours: 397.

Abstract: This is a revision to the national survey on charter school facilities that is designed to inform the public of the conditions and operations of buildings used by charter schools. The survey questionnaire includes 45 questions. Depending on the facility status of schools, respondents will follow skip patterns to answer questions that are only relevant to their schools. A pilot test shows that the questionnaire takes approximately 34 minutes to complete. National Charter School Resource Center (NCSRC) will administer in fall 2021 via an online survey platform. Responses to the survey questions will inform the public of the physical conditions of buildings charter schools use as well as resources and challenges for charter schools to access and maintain facilities.

The survey follows a stratified systematic design to draw a sample of 700 charter schools nationwide. NCSRC will coordinate with Charter School Organizations (CSOs) and local entities to recruit schools and maximize the response rate of the survey. NCSRC staff will clean and analyze the survey data using statistical analytic and reporting techniques appropriate to the data collected.

Dated: February 4, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–02612 Filed 2–8–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2426–227]

California Department of Water Resources and Los Angeles Department of Water and Power; Notice of Waiver Period for Water Quality Certification Application

On January 29, 2021, California Department of Water Resources and Los Angeles Department of Water and Power submitted to the Federal Energy Regulatory Commission (Commission) a copy of their application for a Clean Water Act section 401(a)(1) water quality certification filed with the California State Water Resources Control Board (California Water Board), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the California Water Board of the following:

Date of Receipt of the Certification Request: January 29, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: January 29, 2022.

If the California Water Board fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: February 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02627 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–451–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 2.2.21 Negotiated Rates—Mercuria Energy America, LLC H–7540–89 to be effective 2/2/2021.

Filed Date: 2/2/21.

Accession Number: 20210202–5019.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–452–000.

Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements on 2–2–21 to be effective 2/1/2021.

Filed Date: 2/2/21.

Accession Number: 20210202–5039.

Comments Due: 5 p.m. ET 2/16/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02628 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–4–000]

Transwestern Pipeline Company, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Linam Ranch Project

On October 8, 2020, Transwestern Pipeline Company, LLC (Transwestern) filed an application in Docket No. CP21–4–000 requesting an Authorization pursuant to Section 7(b) of the Natural Gas Act to abandon certain natural gas pipeline facilities. The proposed project is known as the Linam Ranch Project (Project) and would result in the abandonment of natural gas facilities located in Lea County, New Mexico. Transwestern states that the facilities have no firm transportation agreements and that maintenance expenses are excessive and cannot be recovered by its current revenue stream.

On October 23, 2020, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—March 19, 2021
90-day Federal Authorization Decision Deadline—June 17, 2021

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Transwestern proposes to abandon in-place the Linam Ranch meter station and approximately 2,446 feet of associated 10-inch-diameter natural gas transmission pipeline, both of which are located in Lea County, New Mexico.

Background

On November 13, 2020, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Linam Ranch Project* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; and other interested parties. In response to the Notice of Scoping, the Commission received comments from the National Park Service (stating its support for the proposed abandonment. The National Park Service comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP21–4), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

[1] 40 CFR 1501.10 (2020).

Dated: February 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02625 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1314–011.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance Filing Regarding Minimum Offer Price Rule Pursuant to Jan 19 Order to be effective 10/15/2020.

Filed Date: 2/3/21.

Accession Number: 20210203–5092.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER20–539–002; ER19–828–002; ER20–1338–001; ER17–1370–005; ER16–581–006; ER16–2271–005; ER16–582–006; ER11–4535–004.

Applicants: East Fork Wind Project, LLC, Solomon Forks Wind Project, LLC, King Plains Wind Project, LLC, ENGIE Energy Marketing NA, Inc., ENGIE Portfolio Management, LLC, ENGIE Resources LLC, ENGIE Retail, LLC, Plymouth Rock Energy, LLC.

Description: Notice of Change in Status of East Fork Wind Project, LLC, et al.

Filed Date: 2/3/21.

Accession Number: 20210203–5107.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER20–860–003.

Applicants: Green River Wind Farm Phase 1, LLC.

Description: Report Filing: Reactive Refund Report to be effective N/A.

Filed Date: 2/3/21.

Accession Number: 20210203–5038.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER20–1890–005.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2020–12–03 Intertie Deviation Settlement—Compliance Filing to be effective 2/1/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5048.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–998–001.

Applicants: Midway-Sunset Cogeneration Company.

Description: Tariff Amendment: MSCC Errata Filing to be effective 2/1/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5123.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1021–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX–LCRA TSC Dimmit Facilities Development Agreement to be effective 1/21/2021.

Filed Date: 2/2/21.

Accession Number: 20210202–5118.

Comments Due: 5 p.m. ET 2/23/21.

Docket Numbers: ER21–1022–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of ISA, SA No. 3799; Queue No. Y3–100 to be effective 2/3/2021.

Filed Date: 2/2/21.

Accession Number: 20210202–5133.

Comments Due: 5 p.m. ET 2/23/21.

Docket Numbers: ER21–1024–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-El Sauz Ranch Wind Interconnection Agreement to be effective 1/27/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5051.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1025–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: SA 414—Network Integration Transmission Service Agreement—IPC/PacifiCorp to be effective 4/1/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5076.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1026–000.

Applicants: Idaho Power Company.

Description: Tariff Cancellation: Cancellation of SA 301 to be effective 4/1/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5077.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1027–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) Rate Filing: WDAT SGIA for Kearny 251 to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5090.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1028–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) Rate Filing: WDAT SGIA for Kearny 252 to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5091.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1029–000.

Applicants: Direct Energy Business, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5094.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1030–000.

Applicants: Direct Energy Business Marketing, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5095.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1031–000.

Applicants: Direct Energy Marketing Inc.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5096.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1032–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 3355; Queue No. W3–044 to be effective 1/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5097.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1033–000.

Applicants: Direct Energy Services, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5099.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1034–000.

Applicants: Gateway Energy Services Corporation.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5100.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1035–000.

Applicants: Copper Mountain Solar 2, LLC.

Description: § 205(d) Rate Filing: Amended JUA Filing to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5103.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1036–000.

Applicants: Griddy Energy LLC.

Description: Baseline eTariff Filing: Griddy Energy LLC MBR Tariff to be effective 4/5/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5104.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1037–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of ISA, Service Agreement No. 2828 to be effective 2/18/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5117.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1038–000.

Applicants: Copper Mountain Solar 2, LLC.

Description: § 205(d) Rate Filing: Amended JUA Filing to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5120.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1039–000.

Applicants: Copper Mountain Solar 4, LLC.

Description: § 205(d) Rate Filing: Amended JUA Certificate of Concurrence to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5135.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1040–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 827 to be effective 2/3/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5144.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1041–000.

Applicants: Copper Mountain Solar 5, LLC.

Description: § 205(d) Rate Filing: Amended JUA Filing Certificate of Concurrence to be effective 2/4/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5149.

Comments Due: 5 p.m. ET 2/24/21.

The filings are accessible in the Commission's eLibrary system (*https://*

elibrary.ferc.gov/idmws/search/fercgensearch.asp) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02632 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–8–000]

Technical Conference on Reassessment of the Electric Quarterly Report Requirements; Second Supplemental Notice of Technical Conference

On January 8, 2021, the Federal Energy Regulatory Commission (Commission) issued a notice that its staff will hold a technical conference related to the reassessment of the Electric Quarterly Report (EQR) requirements on February 24, 2021. On January 13, 2021, the Commission issued a supplemental notice stating that all future meeting materials will be issued in Docket No. AD21–8–000. The technical conference will take place from 10:00 a.m. to 5:00 p.m. Eastern Time. All interested persons are invited to participate. Access to the meeting will be available via WebEx.

Commission staff is hereby supplementing the January 8, 2021 notice with the agenda, including sample discussion topics. During the conference, Commission staff, EQR filers, and EQR users will discuss potential changes to the current EQR data fields. This technical conference is the first in a series of conferences related to the reassessment of the EQR requirements.

Information for the technical conference, including a link to the webcast, will be posted prior to the event on the meeting event page on the Commission's website, available at: *https://www.ferc.gov/news-events/events/technical-conference-regarding-reassessment-electric-quarterly-report.* The presentation slides will be posted to the website prior to the conference. Any interested person that wishes to participate in the conference is required to register through the WebEx link.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY).

For more information about the technical conference, please contact Jeff Sanders of the Commission's Office of Enforcement at (202) 502–6455, or send an email to *EQR@ferc.gov.*

Dated: February 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

AGENDA

EQR Technical Conference

February 24, 2021

10:00 a.m.–10:15 a.m. *Introduction and Logistics*
- Agenda Review
- Meeting Format for Comments and Questions
- Project Overview

10:15 a.m.–10:25 a.m. *Identification Data Fields* (#2, 4–12)

10:25 a.m.–11:25 a.m. *Proposed Changes to Location and Balancing Authority Fields* (Contract Fields #39–42 and Transaction Fields #57–58)
- What challenges do filers currently have with reporting these fields?
- Do filiers have suggested improvements to these fields?
- Do data users use these fields for analysis? If so, how?

11:25 a.m.–11:40 a.m. *Break*

11:40 a.m.–12:40 p.m. *Date Fields* (Contract Fields #21–24)
- What are the challenges filers/data users have with these fields?
- What changes would filers/data users like to see with these fields?
- How often have filers/data users seen a scenario where a contract does not have a contract termination date and is not considered to be an ''evergreen'' contract?
- How often are contracts novated (i.e., sold or transferred to another party with a different CID)?

12:40 p.m.–1:40 p.m. *Lunch*

1:40 p.m.–2:45 p.m. *Product Names* (Contract Field #31 and Transaction Field #63)
- What products are captured when reporting ''Bundled'' in the Rate Description field?
- What are the challenges reporting multiple products with an ''all-in'' price?
- What products are captured when filers report ''Grandfathered Bundled'' and ''Requirements Service'' as Product Names?

2:45 p.m.–3:00 p.m. *Break*

3:00 p.m.–3:25 p.m. *Renewable Energy Certificates (REC)*
- Are filers able to separate out the ''REC'' portion of the price from the Energy portion of a sale?

3:25 p.m.–3:45 p.m. *Potential Ramping Product*
- Do filers/data users have thoughts about adding ''Ramping'' as a new Product Name in Appendix A?

3:45 p.m.–4:15 p.m. *Potential Additional Products*
- What products are being reported as ''Other'' and a blankRate Description field?
- Are there any additional products that should be added to the Product Name list in Appendix A?

4:15 p.m.–5:00 p.m. *Closing Remarks*

[FR Doc. 2021–02629 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2310–237]

Pacific Gas and Electric Co.; Notice of Application for Temporary Variance and Applicant Prepared Environmental Assessment, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Request for Temporary Variance of Lake Fordyce minimum reservoir water surface elevation.

b. *Project No.:* 2310–237.

c. *Date Filed:* December 22, 2020 and supplemented January 13, 2021.

d. *Licensee:* Pacific Gas and Electric Company.

e. *Name of Project:* Drum-Spaulding Hydroelectric Project.

f. *Location:* Lake Fordyce is located on Fordyce Creek, a tributary of the South Fork of the Yuba River, Nevada County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Bill Martin, AECOM, 300 Lakeside Drive, Suite 400,

Oakland, CA, 94601, (510) 874–3020, *bill.h.Martin@aecom.com.*

i. *FERC Contact:* Mark Pawlowski, (202) 502–6052, *mark.pawlowski@ferc.gov*

j. *Deadline for filing comments, interventions, and protests Deadline for filing comments, motions to intervene, and protests:* 15 days from the date of this notice 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 number P–2310–237. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears 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. *Description of Request:* The licensee filed a request for a temporary license variance from the minimum operating elevation requirement at Lake Fordyce, a development of the Drum-Spaulding Hydroelectric Project No. 2310, in order to implement a seepage mitigation project at Fordyce Dam. The normal maximum reservoir elevation is 6,341 feet (PG&E datum). The licensee proposes to lower the reservoir to its minimum required elevation of 6245.4 feet and install a membrane liner on the upstream face of the dam and anchored to bedrock. A cofferdam and flow bypass would be installed to allow dewatering of the work area on the upstream side of Lake Fordyce Dam and provide a ''dry'' workspace while maintaining the required minimum 5 cubic feet per second flow downstream of the dam. A variance from the minimum operating elevation of Lake Fordyce may be needed periodically depending on inflow to provide buffer to ensure the cofferdam would not be overtopped.

l. *Locations 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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.

o. *Filing and Service of 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 commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor 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 385.2010.

Dated: February 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02620 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–33–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 25, 2021, ANR Pipeline Company (ANR), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700 filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–479–000 requesting authorization to increase the Maximum Allowable Operating Pressure (MAOP) of its Line 599, located in Acadia Parish, Louisiana. ANR request an increase of the MAOP, from 858 pounds per square inch gauge (psig) to 1,050 psig, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Sorana Linder, Director, Modernization & Certificates, ANR Pipeline Company,

700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, by phone at (832) 320–5335 or by email at *kelly_griffin@tcenergy.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 5, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is April 5, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is April 5, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 5, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–32–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.'' The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP21–33–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: *kelly_griffin@tcenergy.com* 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: February 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02621 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–183–003]

Radford's Run Wind Farm, LLC v. PJM Interconnection, L.L.C.; Notice of Filing

Take notice that on January 4, 2021, PJM Interconnection, L.L.C. submitted a filing in compliance with the Federal Energy Regulatory Commission's (Commission) December 2, 2020 Order,[1] to respond to three questions posed by the Commission, in the above captioned proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on February 12, 2021.

Dated: February 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02631 Filed 2–8–21; 8:45 am]

BILLING CODE 6717–01–P

[1] *Radford's Run Wind Farm, LLC* v. *PJM Interconnection, L.L.C.,* 173 FERC ¶ 61,200 (2020) (December 2 Order).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10018–64-Region 10]

Proposed Reissuance of NPDES General Permit for Tribal Enhancement and Federal Research Marine Net Pen Facilities Within Puget Sound (WAG132000)

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed reissuance of NPDES General Permit and request for public comment.

SUMMARY: The Director of the Water Division, Environmental Protection Agency (EPA) Region 10, proposes to reissue the National Pollutant Discharge Elimination System (NPDES) General Permit for Tribal Enhancement and Federal Research Marine Net Pen Facilities Within Puget Sound (draft general permit). As proposed, eligible facilities include tribal enhancement net pens, which are permitted to raise up to 200,000 pounds of native salmonids over a four month growing period each year, and federal research net pen facilities, which are permitted to raise up to 100,000 pounds annually of native finfish. Currently, there are five tribal enhancement facilities and one federal research facility eligible for coverage under the general permit. Existing enhancement and research facilities may request authorization to discharge under the general permit by submitting a Notice of Intent (NOI) no more than ninety (90) days following the effective date of the permit. New enhancement or research facilities that begin operations after the effective date of the general permit must submit a NOI at least 180 days prior to initiation of operations. Upon receipt, EPA will review the NOI to ensure that all permit requirements are met. If determined appropriate by EPA, a discharger will be granted coverage under the general permit upon the date that EPA provides written notification. EPA is accepting public comments on the draft general permit.

DATES: Comments must be received by March 26, 2021.

ADDRESSES: Comments on the draft General Permit should be uploaded electronically to *https://www.regulations.gov,* identified by Docket No. EPA–R10–OW–2020–0506.

FOR FURTHER INFORMATION CONTACT: Permit documents may be found on the EPA Region 10 website at: *https://www.epa.gov/npdes-permits/draft-npdes-general-permit-tribal-enhancement-and-federal-research-marine-net-pen.*

Copies of the draft general permit and fact sheet are also available upon request. Requests may be made to Audrey Washington at (206) 553–0523. Requests may also be electronically mailed to: *washington.audrey@epa.gov,* or *merz.martin@epa.gov.*

SUPPLEMENTARY INFORMATION: Please see the draft general permit and Fact Sheet.

Other Legal Requirements

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

Compliance with Endangered Species Act, Essential Fish Habitat, Paperwork Reduction Act, and other requirements are discussed in the Fact Sheet to the proposed permit.

Daniel D. Opalski,

Director, Water Division, Region 10.

[FR Doc. 2021–02630 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0144; FRL–10016–16]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests

are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before August 9, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2020–0144, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products. registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–3 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
100–1117	100	Touchdown Herbicide	Glyphosate.
100–1121	100	Touchdown Pro Herbicide	Glyphosate.
100–1122	100	Touchdown Liquid Concentrate	Glyphosate.
100–1157	100	Touchdown CF Herbicide	Glycine, N-(phosphonomethyl)-, diammonium salt.
100–1179	100	Touchdown Diquat Home and Garden Concentrate.	Diquat dibromide & Glyphosate.
100–1182	100	Touchdown Hitech Herbicide	Glycine, N-(phosphonomethyl)- potassium salt.
100–1212	100	Touchdown CT Herbicide	Glycine, N-(phosphonomethyl)- potassium salt.
100–1362	100	Refuge Herbicide	Glycine, N-(phosphonomethyl)- potassium salt.

The registrant of the products listed in Table 1 of Unit II, requested the effective date of the cancellations to be November 02, 2020.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
241–343	241	Tri-4 HF Herbicide	Trifluralin.
7969–88	7969	Poast Plus Herbicide	Sethoxydim.
7969–194	7969	Rezult Herbicide	Sethoxydim.
7969–277	7969	BAS 800 02/03 Powered by Kixor Herbicide.	Saflufenacil.
7969–294	7969	Sethoxydim Manufacturer's Use Product	Sethoxydim.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Table1 and Table 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
7969	BASF Corporation, Agricultural Products Division, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 3 of Unit II have not requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 180-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for product cancellation should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

In any order issued in response to these requests for cancellation of product registrations EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 and Table 2 of Unit II.

For products 100–1117, 100–1121, 100–1122, 100–1157, 100–1179, 100–1182, 100–1212, and 100–1362.

For products 100–1117, 100–1121, 100–1122, 100–1157, 100–1179, 100–1182, 100–1212, and 100–1362 listed in Table 1 of Unit II, the registrant has requested the effective date of the cancellations to be November 2, 2020; therefore, the registrant will be permitted to sell and distribute existing stocks of this product until November 2, 2021. Thereafter, the registrant will be prohibited from selling or distributing the product in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary product cancellations, listed in Table 2 of Unit II, the registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 23, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–02573 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0049; FRL–10017–74]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients (November 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

New Active Ingredients

1. *File Symbol:* 524–AAG. *Docket ID number:* EPA–HQ–OPP–2020–0547. *Applicant:* Bayer CropScience LP, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* MON 95379. *Active ingredients:* Plant-Incorporated Protectant Insecticides—*Bacillus thuringiensis* Cry1B.868 protein and the genetic material (Vector PV–ZMIR522223) necessary for its production in MON 95379 corn at <0.036% and *Bacillus thuringiensis* Cry1Da_7 protein and the genetic material (Vector PV–ZMIR522223) necessary for its production in MON 95379 corn at <0.01%. *Proposed use:* Plant-incorporated protectants to control lepidopteran pests in corn planted on a maximum total acreage of 100 acres per growing season for breeding operations across the states of Arkansas, Hawaii, and Iowa.

2. *File Symbol:* 52991–GA. *Docket ID number:* EPA–HQ–OPP–2020–0578. *Applicant:* Bedoukian Research Inc., 6 Commerce Dr., Danbury, CT 06810. *Product name:* Bedoukian z-9-Tetradecenyl Acetate Technical Pheromone. *Active ingredient:* Straight Chain Lepidopteran Pheromone—*Z*-9-tetradecen-1-yl acetate at 85%. *Proposed use:* For manufacturing use.

3. *File Symbol:* 93786–R. *Docket ID number:* EPA–HQ–OPP–2020–0590. *Applicant:* VPTox LLC, on behalf of Draslovka Services Pty Ltd., 21320 Sweet Clover Place, Ashburn VA 20147. *Product name:* eFume. *Active ingredient:* Insecticide—Ethyl Formate at 99.76%. *Proposed use:* Fumigant.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 1, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2021–02655 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0025; FRL–10017–59]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period July 1 to September 30, 2020 to control unforeseen pest outbreaks.

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0025, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the

Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific. There were no denied emergency exemption requests for the time-period covered by this notice.

Under FIFRA section 18 (7 U.S.C. 136p), EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A ''specific exemption'' authorizes use of a pesticide against specific pests on a limited acreage in a particular state. Most emergency exemptions are specific exemptions.

2. ''Quarantine'' and ''public health'' exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A ''crisis exemption'' is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in ''a reasonable certainty of no harm'' to human health, including from exposure of infants and children to residues of the pesticide.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the ''reasonable certainty of no harm'' standard of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, number of acres (if applicable), and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

III. Emergency Exemptions

A. U.S. States and Territories

Arkansas

State Plant Board

Specific exemption: EPA authorized the use of flupyradifurone on a maximum of 200 acres of sweet sorghum to control sugarcane aphid. Time-limited tolerances in connection with this action were established in 40 CFR 180.679(b). This use was effective September 2, 2020 to November 15, 2020.

California

Department of Pesticide Regulation

Specific exemption: EPA authorized the use of lambda-cyhalothrin on a maximum of 3,000 acres of asparagus to control the European asparagus aphid (*Brachycolus asparagi*). Since this request proposed a use for which an emergency exemption has been requested for 5 or more previous years (and supported by the Interregional Research Project Number 4 (IR–4) program), and a registration application or tolerance petition has not been submitted to EPA, in accordance with the requirement at 40 CFR 166.24, a notice of receipt published in the **Federal Register** on August 13, 2020 (85 FR 49365–36) (FRL–10012–55) with the public comment period closing on August 28, 2020. This use was effective September 11, 2020 to October 31, 2020.

Louisiana

Department of Agriculture and Forestry

Crisis Exemption: EPA concurred upon a crisis exemption declared by the Louisiana Department of Agriculture and Forestry for the use of flupyradifurone on a maximum of 500,000 acres of sugarcane to control sugarcane aphids. A time-limited tolerance for residues of flupyradifurone on sugarcane will be established at 40 CFR 180.679 in connection with this stand-alone 15-day crisis exemption program. This use was effective July 23, 2020 to August 5, 2020.

Maryland

Department of Agriculture

Specific exemptions: EPA authorized the use of dinotefuran on a maximum of 3,730 acres of pome and stone fruit to control the brown marmorated stinkbug. Time-limited tolerances in connection with past actions were established in 40 CFR 180.603(b). Since this request proposed a use for which an emergency exemption has been requested for 5 or more previous years (and supported by the IR–4 program) and a registration application or tolerance petition has not been submitted to EPA, in accordance with the requirements at 40 CFR 166.24, a notice of receipt published in the **Federal Register** on May 27, 2020 (85 FR 31776) (FRL–10009–75) with the public comment period closing on June 11, 2020. This use was effective July 15, 2020 to October 15, 2020.

Nevada

Department of Agriculture

Specific exemption: EPA authorized the use of afidopyropen on a maximum of 25,000 acres of alfalfa to control blue alfalfa aphid (*Acyrthosiphon kondoi*). A time-limited tolerance in connection with this action will be established in 40 CFR 180.700(b). This use is effective July 29, 2020 to May 30, 2021.

New York

Department of Environmental Conservation

Specific exemption: EPA authorized the use of bifenthrin on a maximum of 7,521 acres of apples, peaches, and nectarines to control the brown marmorated stinkbug. Time-limited tolerances in connection with past actions were established in 40 CFR 180.442(b). This use was effective July 16, 2020 to October 15, 2020.

North Carolina

Department of Agriculture and Consumer Services

Specific exemptions: EPA authorized the use of dinotefuran on a maximum of 4,000 acres of pome and stone fruit to control the brown marmorated stinkbug. Time-limited tolerances in connection with past actions were established in 40 CFR 180.603(b). Since this request proposed a use for which an emergency exemption has been requested for 5 or more previous years (and supported by the IR–4 program) and a registration application or tolerance petition has not been submitted to EPA, in accordance with the requirements at 40 CFR 166.24, a notice of receipt published in the **Federal Register** on May 27, 2020 (85 FR 31776) (FRL–10009–75) with the public comment period closing on June 11, 2020. This use was effective July 15, 2020 to October 15, 2020.

EPA authorized the use of flupyradifurone on a maximum of 750 acres of sweet sorghum to control sugarcane aphid. Time-limited tolerances in connection with this action were established in 40 CFR

180.679(b). This use was effective July 24, 2020 to November 15, 2020.

Pennsylvania

Department of Agriculture

Specific exemptions: EPA authorized the use of dinotefuran on a maximum of 24,974 acres of pome and stone fruit to control the brown marmorated stinkbug. Time-limited tolerances in connection with past actions were established in 40 CFR 180.603(b). Since this request proposed a use for which an emergency exemption has been requested for 5 or more previous years (and supported by the IR–4 program) and a registration application or tolerance petition has not been submitted to EPA, in accordance with the requirements at 40 CFR 166.24, a notice of receipt published in the **Federal Register** on May 27, 2020 (85 FR 31776) (FRL–10009–75) with the public comment period closing on June 11, 2020. This use was effective July 15, 2020 to October 15, 2020.

Tennessee

Department of Agriculture

Specific exemption: EPA authorized the use of flupyradifurone on a maximum of 750 acres of sweet sorghum to control sugarcane aphid. Time-limited tolerances in connection with this action were established in 40 CFR 180.679(b). This use was effective July 24, 2020 to November 15, 2020.

Texas

Department of Agriculture

Public health exemptions: EPA authorized the uses of 1-octadecanaminium, N,N-dimethyl-N-[3-(trihydroxysilyl)propyl] chloride on non-porous, non-food-contact surfaces at the following sites in Texas: American Airlines aircraft and airport facilities; and Total Orthopedics Sports and Spine facilities, to control the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV–2), the causal agent of COVID–19. The uses are effective August 24, 2020 to August 24, 2021.

Virginia

Department of Agriculture and Consumer Services

Specific exemptions: EPA authorized the use of dinotefuran on a maximum of 29,000 acres of pome and stone fruit to control the brown marmorated stinkbug. Time-limited tolerances in connection with past actions were established in 40 CFR 180.603(b). Since this request proposed a use for which an emergency exemption has been requested for 5 or more previous years (and supported by the IR–4 program) and a registration application or tolerance petition has not been submitted to EPA, in accordance with the requirements at 40 CFR 166.24, a notice of receipt published in the **Federal Register** on May 27, 2020 (85 FR 31776) (FRL–10009–75) with the public comment period closing on June 11, 2020. This use was effective July 15, 2020 to October 15, 2020.

West Virginia

Department of Agriculture

Specific exemptions: EPA authorized the use of dinotefuran on a maximum of 5,986 acres of pome and stone fruit to control the brown marmorated stinkbug. Time-limited tolerances in connection with past actions were established in 40 CFR 180.603(b). Since this request proposed a use for which an emergency exemption has been requested for 5 or more previous years (and supported by the IR–4 program) and a registration application or tolerance petition has not been submitted to EPA, in accordance with the requirements at 40 CFR 166.24, a notice of receipt published in the **Federal Register** on May 27, 2020 (85 FR 31776) (FRL–10009–75) with the public comment period closing on June 11, 2020. This use was effective July 15, 2020 to October 15, 2020.

B. Federal Departments and Agencies

Agriculture Department

Animal and Plant Health Inspection Service

Quarantine exemptions: EPA authorized the use of thymol on hard, nonporous surfaces associated with aircraft and associated loading equipment used to transport livestock, for disinfection from African swine fever and foot-and-mouth disease viruses. This use is effective September 4, 2020 to September 4, 2023.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 25, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–02575 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0007; FRL–10019–60]

Benzene, 1-(1,1-dimethylethyl)-4-ethenyl-, polymer with ethenylbenzene and 2-methyl-1,3-butadiene, sulfonated (Referred to as BIAXAM Polymer); Receipt of Applications for Emergency Exemptions, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received public health exemption requests from the Utah Department of Agriculture and Food (UDAF) and the Minnesota Department of Agriculture (MDA) to use the pesticide benzene, 1-(1,1-dimethylethyl)-4-ethenyl-, polymer with ethenylbenzene and 2-methyl-1,3-butadiene, sulfonated (referred to as BIAXAM Polymer) (CAS No. 1637665–77–0) to treat nonporous, non-food-contact surfaces associated with the interior of aircraft and airports to control the new novel Severe Acute Respiratory Syndrome Coronavirus (SARS–CoV–2). The applicants propose the use of a new chemical which has not been registered as a pesticide by EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

DATES: Comments must be received on or before February 24, 2021.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0007, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

Submit your comments, identified by docket ID number EPA–HQ–OPP–2021–0007, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are a provider of services related to aircraft and airports, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Other types of entities not listed could also be affected. Potentially affected entities may include:

• Air transportation (NAICS code 481).

• Support activities for air transportation (NAICS code 4881).

• Travel arrangement and reservation service (aircraft) (NAICS code 5615).

• Janitorial services (aircraft and airports) (NAICS code 56172).

• Airline food services contractors (NAICS code 722310).

• Pesticide manufacturer (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. The UDAF and the MDA have requested the EPA Administrator to issue public health exemptions for the use of benzene, 1-(1,1-dimethylethyl)-4-ethenyl-, polymer with ethenylbenzene and 2-methyl-1,3-butadiene, sulfonated (referred to as BIAXAM Polymer) to treat nonporous surfaces associated with the interior of aircraft and airports to control SARS–CoV–2. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

As part of these requests, the applicants assert that SARS–CoV–2, the virus that causes COVID–19, presents a significant public health risk, particularly to airline passengers confined in a small space for an extended time period. Although contact liquid and spray disinfectants to control SARS–CoV–2 are available, the applicants state that there are no products available that provide ongoing residual protection against the virus. The applicants state that the requested product, a peel and stick film with BIAXAM polymer coating (BIAXAM Film), adheres to surfaces and kills SARS–CoV–2 when the virus contacts the surface, providing residual protection on surfaces to people who later come into contact. The applicants believe that the product will provide an essential tool to facilitate safe air travel by protecting against exposure to SARS–CoV–2 in airport terminals and aircraft.

The Applicants propose to apply up to 70,000 square feet of BIAXAM film in Utah, and up to 74,000 square feet in Minnesota, to interior nonporous, non-food-contact surfaces in airport facilities and aircraft owned or controlled by Delta Air Lines, Inc., within the states of Utah and Minnesota.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a public health exemption proposing use of a new chemical (*i.e.,* an active ingredient) which has not been registered as a pesticide by EPA. This notice provides an opportunity for public comment on the applications. The Agency will review and consider all comments received during the comment period in determining whether to issue the public health exemptions requested by the UDAF and the MDA.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 27, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–02662 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0188; FRL–10016–46]

Battelle Memorial Institute; Transfer of Data (October 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed

as Confidential Business Information (CBI) by the submitter, will be transferred to Battelle Memorial Institute in accordance with the CBI regulations. Battelle Memorial Institute has been awarded a contract to perform work for OPP and access to this information will enable Battelle Memorial Institute to fulfill the obligations of the contract.

DATES: Battelle Memorial Institute will be given access to this information on or before February 16, 2021.

FOR FURTHER INFORMATION CONTACT: William Northern, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 703 305–6478 email address: *northern.william@epa.gov*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0188, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. Contractor Requirements

EPA requires technical and program support for the Agency's Endocrine Disruptor Screening Program (EDSP). This procurement entails services in the following areas: (1) Comprehensive toxicological and ecotoxicological testing and analysis; (2) toxicokinetics and dosimetry testing and analysis; (3) systematic literature reviews; (4) workshops/meeting support; (5) information/records management support; and (6) special studies/projects. Skills needed include, but are not limited to, technical experience and/or capability with performing Tier 1 and Tier 2 EDSP studies, *in vitro* toxicokinetics and dosimetry, risk assessment, development and evaluation of computational toxicity or exposure models, analytical chemical analysis, biochemical analyses, statistical analyses, information/records management, report-writing, meeting support and quality assurance/quality control support.

OPP has determined that the contracts described in this document involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under FIFRA sections 3, 4, 6, and 7 and under FFDCA sections 408 and 409.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contracts with Battelle Memorial Institute, prohibits use of the information for any purpose not specified in these contracts; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual.* In addition, Battelle Memorial Institute is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Battelle Memorial Institute until the requirements in this document have been fully satisfied. Records of information provided to Battelle Memorial Institute will be maintained by EPA Project Officers for these contracts. All information supplied to Battelle Memorial Institute by EPA for use in connection with these contracts will be returned to EPA when Battelle Memorial Institute has completed its work.

Authority: 7 U.S.C. 136 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: November 18, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0077; FRL–10018–37]

Certain New Chemicals; Receipt and Status Information for November 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 11/01/2020 to 11/30/2020.

DATES: Comments identified by the specific case number provided in this document must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0077, and the specific case number for the chemical substance related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental

Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Rahai, Project Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 11/01/2020 to 11/30/2020. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (*See* the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7)). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of

EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.,* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 11/01/2020 TO 11/30/2020

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–20–0005	2	10/16/2020	CBI	(G) Ethanol production	(G) Saccharomyces cerevisiae modified.
J–20–0013	3	10/27/2020	Greenlight Biociences, Inc.	(G) Production of enzymes for use in internal manufacturing.	(G) Modified strains of Escherichia coli.
J–20–0014	3	10/27/2020	Greenlight Biociences, Inc.	(G) Production of enzymes for use in internal manufacturing.	(G) Modified strains of Escherichia coli.
J–20–0015	3	10/27/2020	Greenlight Biociences, Inc.	(G) Production of enzymes for use in internal manufacturing.	(G) Modified strains of Escherichia coli.
J–20–0016	3	10/27/2020	Greenlight Biociences, Inc.	(G) Production of enzymes for use in internal manufacturing.	(G) Modified strains of Escherichia coli.
J–20–0017	3	10/27/2020	Greenlight Biociences, Inc.	(G) Production of enzymes for use in internal manufacturing.	(G) Modified strains of Escherichia coli.
J–20–0018	3	10/27/2020	Greenlight Biociences, Inc.	(G) Production of enzymes for use in internal manufacturing.	(G) Modified strains of Escherichia coli.
J–20–0025	3	11/03/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
P–18–0057A	12	11/12/2020	CBI	(S) a drier accelerator that is used for superior drying performance in solvent-borne and waterborne air-dried paints, inks and coatings.	(G) Vanadium Carboxylate.
P–18–0057A	13	11/18/2020	CBI	(S) a drier accelerator that is used for superior drying performance in solvent-borne and waterborne air-dried paints, inks and coatings.	(G) Vanadium Carboxylate.
P–18–0057A	14	11/23/2020	CBI	(S) a drier accelerator that is used for superior drying performance in solvent-borne and waterborne air-dried paints, inks and coatings.	(G) Vanadium Carboxylate.
P–18–0084A	9	11/23/2020	ShayoNano USA, Inc.	(S) Additive for water-based paints and coatings.	(S) silicon zinc oxide.
P–18–0256A	7	11/11/2020	CBI	(G) Chemical Intermediate	(S) Undecanol, branched.
P–18–0293A	6	11/17/2020	CBI	(S) Monomer for use in emulsion polymers, formulated industrial coatings, industrial adhesives.	(S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester.
P–18–0293A	7	11/20/2020	CBI	(S) Monomer for use in emulsion polymers, formulated industrial coatings, industrial adhesives.	(S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester.
P–18–0294A	6	11/17/2020	CBI	(S) Monomer for use in emulsion polymers, formulated industrial coatings, industrial adhesives.	(S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester.
P–18–0294A	7	11/20/2020	CBI	(S) Monomer for use in emulsion polymers, formulated industrial coatings, industrial adhesive.	(S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester.
P–18–0345A	3	11/24/2020	Chitec Technology Co., Ltd.	(S) R-gen 990 is a liquid aminoketone-based photoinitator (PI) intended for use as an ultraviolet (UV) curing agent in highly pigmented inks, photoresists, and masks.	(S) 1-Butanone, 2-(dimethylamino)-1-[4-(2-ethyl-2-methyl-3-oxazolidinyl)phenyl]-2-(phenylmethyl)-.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 11/01/2020 TO 11/30/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–19–0082A ..	5	11/12/2020	Bedoukian Research Inc.	(S) Fragrance uses per FFDCA: Fine fragrance, creams, lotions, etc., TSCA: Scented papers, candles, detergents, cleaners, etc.	(S) Heptanal, 6-hydroxy-2,6-dimethyl-.
P–20–0010A ..	11	11/04/2020	CBI	(G) Polymerization auxiliary	(G) Carboxylic acid, reaction products with metal hydroxide, inorganic dioxide and metal.
P–20–0031A ..	5	11/02/2020	CBI	(G) Intermediate	(G) Perfluorinated substituted 1,3-oxathiolane dioxide.
P–20–0070A ..	2	11/07/2020	Clariant Corporation.	(S) Solvent for use in formulated pesticide products.	(S) Nonanamide, *N,N*-dimethyl-.
P–20–0076A ..	4	11/04/2020	Cytec Industries Inc.	(G) Mining chemical	(S) Glycine, reaction products with sodium O-iso-Pr carbonodithioate, sodium salts.
P–20–0077A ..	6	11/23/2020	CBI	(S) UV Curing Agent for use in Inks and Coatings.	(G) 1-(dialkyl-diphenylene alkane)-2-alkyl-2-hydrooxazine-1-alkylketone.
P–20–0078A ..	2	11/11/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications.	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine alkyldioate alkyldioate (1:2:1:1).
P–20–0079A ..	2	11/11/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications.	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine (3:2).
P–20–0080A ..	5	11/11/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications.	(G) Alkyldiamine, aminoalkyl-, hydrochloride (1:3).
P–20–0081A ..	5	11/11/2020	Ascend Performance Materials.	(G) A stabilizer for industrial applications.	(G) Carboxylic acid, compd. with aminoalkyl-alkyldiamine (3:1).
P–20–0082A ..	5	11/11/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications.	(G) Alkyldiamine, aminoalkyl-, carboxylate (1:3).
P–20–0094A ..	3	11/12/2020	CBI	(S) Formulation component in UV/EB coatings, inks and 3D printing/stereolithography/additive and adhesive manufacturing.	(G) Alkanedioic acid, polymer with tri-alkyl-isocyanatocarbomonocycle, dialkylglycols, ester with 2,3-dihydroxypropyl alkyl ester, 2-hydroxyethyl methacrylate-blocked.
P–20–0105A ..	3	11/25/2020	Sound Agriculture Company.	(S) Maltol lactone is a compound that promotes microbial activity in the soil, resulting in increased availability of phosphorus for crops. This substance will be used on commercial farming operations.	(S) 4H-Pyran-4-one, 3-[(2,5-dihydro-4-methyl-5-oxo-2-furanyl)oxy]-2-methyl-.
P–20–0127A ..	4	11/12/2020	Kuraray America, Inc.	(S) Industrial Solvent	(S) 2H-Pyran, tetrahydro-4-methyl-.
P–20–0138A ..	4	11/20/2020	Gurit (USA) Inc ...	(S) The substance is part of a mixture with other amines to act as a curative for a 2-part epoxy adhesive formulation. The new substance will be used within an adhesive formulation for use within an industrial setting primarily but not limited to industries such as marine, automotive and wind energy.	(G) Alkane diglycidy ether, polymer with alkyl-cycloalkane diamines.
P–20–0146A ..	2	11/06/2020	CBI	(G) Insulating material for electrical parts.	(G) Alkanoic acid, alkyl, carbopolycyclic alkyl ester.
P–20–0148	2	11/12/2020	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0149	2	11/12/2020	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0150	2	11/12/2020	Solugen, Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0151	2	11/12/2020	Solugen, Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0153A ..	4	11/04/2020	CBI	(G) lubricant additive—dispersant ...	(G) Polyamines, reaction products with succinic anhydride polyalkenyl derivs., borates.
P–20–0154A ..	4	11/04/2020	CBI	(G) lubricant additive—dispersant ...	(G) Polyamines, reaction products with succinic anhydride polyalkenyl derivs., borates.
P–20–0161A ..	2	11/04/2020	Sirrus, Inc	(S) Film former or crosslinker additive used in coatings, waterborne emulsions, adhesives.	(S) Propanedioic acid, 2-methylene-, 1,3-diethyl ester, polymer with 1,4-butanediol.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 11/01/2020 TO 11/30/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–20–0169	3	11/23/2020	CBI	(G) Battery Plastics and coatings applications, Conductive agent for conductive plastic and paint.	(S) multiwalled carbon nanotube.
P–20–0183A ..	2	11/16/2020	CBI	(G) Intermediate	(G) Aryl ether epoxide, homopolymer, ether with alkanolamine.
P–21–0003	3	11/04/2020	CBI	(G) Polymeric film former for coatings.	(G) 4, 4 methylenebis (2, 6 dimethyl phenol) polymer with 2-(chloromethyl) oxirane, 1,4-benzene diol, 2-methyl-2-propenoic acid, mixed alkyl substituted 2-methyl 2-propenoate, and ethyl 2-propenoate, reaction products with 2-(dimthylamino) ethanol.
P–21–0004	3	11/11/2020	CBI	(G) Surfactant	(G) Poly alkyl glycol alkyl ether.
P–21–0011	2	11/04/2020	CBI	(S) Crosslinking agent for inks and coatings.	(G) Hexane, 1,6-diisocyanato-, homopolymer, alkyl epoxy ether- and polyethylene glycol mono-Me ether-blocked, reaction products with propylenimine.
P–21–0012	1	10/28/2020	CBI	(G) The notified substance will be used as a fragrance ingredient.	(G) Multialkylbicycloalkenyl substituted propanenitrile.
P–21–0013	2	11/24/2020	Takasago	(S) Fragrance in fine fragrance, deodorants and cosmetics, household products such as laundry detergents and air fresheners, Shampoos and Body Washes.	(G) methyl phenylethyl cyclopropanemethanol.
P–21–0014	2	11/06/2020	CBI	(G) oil and gas extraction	(G) Aliphatic alcohol, bis-tetra-alkyl ammonium, chloride salts.
P–21–0015	1	10/30/2020	Designer Molecules, Inc.	(S) As a raw material in a Temporary Bonding Adhesive formulation.	(S) Amines, C36-alkylenedi-, polymers with 5,5′-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[1,3-isobenzofurandione] and 4,4′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis[2-aminophenol].
P–21–0016	1	11/02/2020	CBI	(G) Paint additive, Additive in coating formulations, Component in cleaning agents.	(G) Alkanoic acid, dialkyl ester.
P–21–0017	1	11/12/2020	Sumitomo Chemical Advanced Technologies LLC.	(S) Substance used to improve physical properties in rubber products.	(G) [(Substituted-carbomonocyclic) amino] oxoalkenoic acid, inorganic salt.
P–21–0018	1	11/12/2020	Shin-Etsu Microsi	(G) Contained use for microlithography for electronic device manufacturing.	(G) Sulfonium, triphenyl-, heterocyclic compound-carboxylate (1:1).
P–21–0019	2	11/17/2020	CBI	(G) The notified substance will be used as a fragrance ingredient.	(G) Ethyl 4-alkyl-2-oxocycloalkanecarboxylate.
P–21–0022	1	11/20/2020	CBI	(S) Flexographic water-based Ink & coating vehicle.	(G) Rosin acid esters.
P–21–0023	1	11/23/2020	CBI	(G) Photolithography	(G) Sulfonium, carbocyclic-, salt with 1-(alkyl) 2-[4-[polyhydro-2-carbomonocyclic-5-(polyfluoro-2-sulfoalkyl)-4,7-methano-1,3-benzodioxol-2-yl]carbomonocyclic oxy]acetate (1:1).
P–21–0027	1	11/23/2020	CBI	(G) An ingredient used in the manufacture of photoresist.	(G) Heteropolycyclic, trihaloalkyl carbomonocycle-, hydroxy carbomonocyclic salt.
SN–17–0006A	5	10/29/2020	CBI	(G) Physical characteristics modifier for industrial use in certain solid composite articles.	(G) Potassium Titanate.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned

to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 11/01/2020 TO 11/30/2020

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–09–0492	10/30/2020	10/29/2020	N	(G) Isocyanate polymer, amine blocked.
P–17–0387	11/03/2020	10/22/2020	N	(G) Dicarboxylic acids, polymers with alkanoic acid, alkanediol, substituted-alkylalkanoic acid, substituted alkyl carbomonocyle, alkanedioic acid and alkanediol, alkanolamine blocked, compds. with alkanolamine.
P–18–0355	11/19/2020	11/10/2020	N	(G) Alkanediol, substituted alkyl, polymer with carbomonocyle, alkanedioate substituted carbomonocycle, ester with substituted alkanoate.
P–19–0038	11/23/2020	11/20/2020	N	(S) Fatty acids, coco, iso-bu esters.
P–20–0098	11/20/2020	11/13/2020	N	(G) Calcium cycloaklylcarboxylate.
P–20–0160	11/23/2020	11/18/2020	N	(S) Amines,c36-alkylenedi-, polymers with bicyclo[2.2.1] heptanedimethanamine, [5,5′-biisobenzofuran]-1,1′,3,3′-tetrone and 3a,4,4a,7a,8,8a-hexahydro-4,8-ethano1h,3h-benzo[1,2-c:4,5-c′]difuran-1,3,5,7-tetrone, maleated.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 11/01/2020 TO 11/30/2020

Case No.	Received date	Type of test information	Chemical substance
P–20–0066	11/24/2020	Daphnia Magna Reproduction Study (OECD Test Guideline 211).	(G) 2-propenoic acid, 2-hydroxyethyl ester, reaction products with dialkyl hydrogen heterosubstituted phosphate and dimethyl phosphonate.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 5, 2021.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–02660 Filed 2–8–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0049; FRL–10019–71]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients (December 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/about-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

A. New Active Ingredients

1. File Symbol: 89186–E. *Docket ID number:* EPA–HQ–OPP–2020–0252. *Applicant:* ConidioTec LLC, 2440 Earlystown Rd., Ste. 600, Centre Hall, PA 16828 (c/o Lewis & Harrison, 2461 South Clark St., Ste. 710, Arlington, VA 22202). *Product name:* Aprehend RTU. *Active ingredient:* Insecticide—*Beauveria bassiana* Strain l93–825 at 2%. *Proposed use:* To control and prevent bed bug infestations in indoor environments. *Contact:* BPPD.

2. File Symbol: 95213–E. *Docket ID number:* EPA–HQ–OPP–2020–0576. *Applicant:* Indigo Ag, Inc., 500 Rutherford Ave., Ste. 201, Boston, MA 02129. *Product name: Kosakonia cowanii* strain SYM00028 MUP. *Active ingredient:* Fungicide—*Kosakonia cowanii* strain SYM00028 at 6.80%. *Proposed use:* Manufacturing use. *Contact:* BPPD.

3. File Symbol: 95213–G. *Docket ID number:* EPA–HQ–OPP–2020–0576. *Applicant:* Indigo Ag, Inc., 500 Rutherford Ave., Ste. 201, Boston, MA 02129. *Product name:* Indigo 229 FP. *Active ingredient:* Fungicide—*Kosakonia cowanii* strain SYM00028 at 3.00%. *Proposed use:* Seed treatment. *Contact:* BPPD.

4. File Symbol: 95213–R. *Docket ID number:* EPA–HQ–OPP–2020–0576. *Applicant:* Indigo Ag, Inc., 500 Rutherford Ave., Ste. 201, Boston, MA 02129. *Product name: Kosakonia cowanii* strain SYM00028 Technical. *Active ingredient:* Fungicide—*Kosakonia cowanii* strain SYM00028 at 100%. *Proposed use:* Manufacturing use. *Contact:* BPPD.

5. File Symbol: 95213–U. *Docket ID number:* EPA–HQ–OPP–2020–0576. *Applicant:* Indigo Ag, Inc., 500 Rutherford Ave., Ste. 201, Boston, MA 02129. *Product name:* Indigo 229 WD. *Active ingredient:* Fungicide—*Kosakonia cowanii* strain SYM00028 at 3.300%. *Proposed use:* Seed treatment. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 21, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2021–02649 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0052; FRL–10019–73]

Pesticide Product Registration; Receipt of Applications for New Uses (December 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 11, 2021.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration Number of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/about-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

A. Notice of Receipts—New Uses

1. *Registration Numbers:* 7969–335 (Cyflumetofen Technical) and 7969–336 (Nealta® Miticide); Decision Nos: 565033 and 565035. *Docket Number:* EPA–HQ–OPP–2020–0603. *Company name and address:* BASF Corporation, Agricultural Products, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. *Active ingredient:* Cyflumetofen. *Proposed use:* Hops. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 21, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2021–02651 Filed 2–8–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 24, 2021.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Joseph Tutera, Mission Hills, Kansas;* individually and as a member of the Tutera Family Group, a group acting in concert, to retain voting shares of Central Bancshares of Kansas City (Bancshares) and thereby indirectly retain voting shares of Central Bank of Kansas City, both of Kansas City, Missouri. Additionally, Marian Olander Tutera, Mission Hills, Kansas; John ''David'' Cunningham, Prairie Village, Kansas; Anthony Michael Mendolia, Constance Marie Mendolia 2009 Irrevocable Trust dated 12–29–09, Joseph Tutera, Trustee, John David Cunningham, Trust Protector; Mary Margaret Cunningham 2009 Irrevocable Trust dated 12–29–09, Joseph Tutera, Trustee, Marian Olander Tutera, Trust Protector; Joseph C. Tutera 2009 Irrevocable Trust dated 12–29–09, Joseph Tutera, Trustee, John David Cunningham, Trust Protector, Laura Cirese Tutera 2009 Trust dated 10–8–09, Hanna Marie Tutera 2009 Trust dated 10–8–09, Dominic Frank Tutera 2009 Trust dated 10–8–09, Dominic Frank Tutera 2009 Trust dated 10–8–09, Joseph Charles Tutera Jr. 2009 Trust dated 10–8–09, David Cunningham, Trustee, Anthony Mendolia, Trust Protector, all of Kansas City, Missouri; to join the Tutera Family Group and retain voting shares of Bancshares and thereby indirectly retain voting shares of Central Bank of Kansas City.

Board of Governors of the Federal Reserve System, February 4, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–02670 Filed 2–8–21; 8:45 am]

BILLING CODE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10320]

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 11, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension; *Title of Information Collection:* Health Care Reform Insurance Web Portal; *Use:* Upon collection of the data collection requirements from individual States, State health benefits high risk pools, and insurance issuers (hereon referred to as issuers), this information is processed by contractors for display on the *HealthCare.gov* website. The information that is provided helps the general public make educated decisions about their choice in organizations providing private health care insurance. Information collected quarterly from insurance issuers is used to populate the Plan Finder application to show individuals their options, to provide some profile information, and to coordinate the data collection with Oversight collections to reduce the burden on issuers and the Federal Government. Collecting information consistent with the SBC standards allows consumers to access this information in a consistent manner. *Form Number:* CMS–10320 (OMB control number 0938–1086); *Frequency:* Occasionally; *Affected Public:* State, Local, and Tribal Governments; *Number of Respondents:* 700; *Number of Responses:* 700; *Total Annual Hours:* 78,675. (For questions regarding this collection contact Kimberlee Heckstall at 410–786–1647.)

Dated: February 3, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–02580 Filed 2–8–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine or Oral Fluid (Mandatory Guidelines).

FOR FURTHER INFORMATION CONTACT: Anastasia Donovan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240–276–2600 (voice); *Anastasia.Donovan@samhsa.hhs.gov* (email).

SUPPLEMENTARY INFORMATION: In accordance with Section 9.19 of the Mandatory Guidelines, a notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at *https://www.samhsa.gov/workplace/resources/drug-testing/certified-lab-list.*

The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and of the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020.

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three

rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards. HHS does not allow IITFs to conduct oral fluid testing.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid dated October 25, 2019 (84 FR 57554), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine dated January 23, 2017 (82 FR 7920), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190 (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Cordant Health Solutions, 2617 East L Street, Tacoma, WA 98421, 800–442–0438 (Formerly: STERLING Reference Laboratories)

Desert Tox, LLC, 5425 E Bell Rd., Suite 125, Scottsdale, AZ, 85254, 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare,* 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630 (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave. Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Legacy Laboratory Services Toxicology, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088. Testing for Veterans Affairs (VA) Employees Only

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085. Testing for Department of Defense (DoD) Employees Only

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register** July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on January 23, 2017 (82 FR 7920). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Anastasia Marie Donovan,

Policy Analyst.

[FR Doc. 2021–02100 Filed 2–8–21; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0038]

Agency Information Collection Activities: Student and Exchange Visitor Information System (SEVIS); Extension, With Change, of a Currently Approved Collection

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted until April 12, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1653–0038 in the body of the correspondence, the agency name and Docket ID ICEB–2021–0001. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number ICEB–2021–0001.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this collection, call or email Sharon Synder, Student and Exchange Visitor Program, 703–603–3400 or 1–800–892–4829, email: *sevp@ice.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Student and Exchange Visitor Information System (SEVIS).

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–17 and I–20; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary Non-profit institutions and individuals or households. SEVIS is an internet-based data entry, collection and reporting system. It collects information on SEVP-certified school via the Form I–17, ''Petition for Approval of School for Attendance by Nonimmigrant Student,'' and collects information on the F and M nonimmigrant students that the SEVP-certified schools admit into their programs of study via the Forms I–20s: ''Certificate of Eligibility for Nonimmigrant (F–1) Students Status—For Academic and Language Students'' and ''Certificate of Eligibility for Nonimmigrant (M–1) Students Status—For Vocational Students''. Additionally, there is a revision to add a new data field for city of birth. This additional field allows SEVP to distinguish between applicants with the same name and country of birth. The additional field is not expected to increase the burden per response.

(5) An estimate of the total number of respondents: ICE estimates a total of 47,757 respondents.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,019,757 annual burden hours.

Dated: February 4, 2021.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2021–02647 Filed 2–8–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX21EB00A181100; OMB Control Number 1028–0101]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; The William T. Pecora Award: Application and Nomination Process

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: We, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 11, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0101 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Sarah Cook by email at *scook@usgs.gov,* or by telephone at (703) 648–6136. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 29, 2020 (85 FR 68593). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The William T. Pecora Award is presented annually to individuals or teams using satellite or aerial remote sensing that make outstanding contributions toward understanding the Earth (land, oceans and air), educating the next generation of scientists, informing decision makers or supporting natural or human-induced disaster response. The award is sponsored jointly by the Department of the Interior (DOI) and the National Aeronautics and Space Administration (NASA).

The award was established in 1974 to honor the memory of Dr. William T. Pecora, former Director of the U.S. Geological Survey and Under Secretary, Department of the Interior. Dr. Pecora was a motivating force behind the establishment of a program for civil remote sensing of the Earth from space. His early vision and support helped establish what we know today as the Landsat satellite program. The purpose of the award is to recognize individuals or groups working in the field of remote sensing of the Earth. National and international nominations are accepted from the public and private sector individuals, teams, organizations, and professional societies.

Nomination packages include three sections: (A) Cover Sheet, (B) Summary Statement, and (C) Supplemental Materials. The cover sheet includes professional contact information. The Summary Statement is limited to two pages and describes the nominee's achievements in the scientific and technical remote sensing community, contributions leading to successful practical applications of remote sensing, and/or major breakthroughs in remote sensing science or technology. Nominations may include up to 12 pages of supplemental information such as resume, publications list, and/or letters of endorsement.

Title of Collection: The Pecora Award: Application and Nomination Process.

OMB Control Number: 1028–0101.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals; Businesses and other academic and non-profit institutions; State, local and tribal governments.

Total Estimated Number of Annual Respondents: 12.

Total Estimated Number of Annual Responses: 12.

Estimated Completion Time per Response: 6 hours.

Total Estimated Number of Annual Burden Hours: 72.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: There are no ''non-hour cost'' burdens associated with this IC.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Timothy Newman,

Program Coordinator, National Land Imaging Program, USGS.

[FR Doc. 2021–02666 Filed 2–8–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031414; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mütter Museum of the College of Physicians of Philadelphia, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Mütter Museum of the College of Physicians of Philadelphia has completed an inventory of human remain, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Mütter Museum of the College of Physicians of Philadelphia. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the address in this notice by March 11, 2021.

ADDRESSES: Lowell Flanders, Collections Manager, College of Physicians of Philadelphia, 19 S 22nd Street, Philadelphia, PA 19103, telephone (215) 560–8004, email *lflanders@collegeofphysicians.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Mütter Museum of the College of Physicians of Philadelphia, Philadelphia, PA. The human remains were removed from ''Old Crow Agency,'' Big Horn County, Montana.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal

agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Mütter Museum of the College of Physicians of Philadelphia professional staff in consultation with representatives of the Crow Tribe of Montana.

History and Description of the Remains

At an unknown date in the 19th century, human remains representing, at minimum, one individual were removed from ''Old Crow Agency'' in Big Horn County, Montana. Circa 1885, the human remains, consisting of a skull, were donated to the Mütter Museum by George McClellan, M.D. (1849–1913), founder of the Pennsylvania School of Anatomy and Surgery. No known individual was identified. No associated funerary objects are present.

Tribal affiliation has been determined by the geographic location where the human remains were collected.

Determinations Made by the Mütter Museum of the College of Physicians of Philadelphia

Officials of the Mütter Museum of the College of Physicians of Philadelphia have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shakopee Mdewakanton Sioux Community of Minnesota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Lowell Flanders, Collections Manager, College of Physicians of Philadelphia, 19 S 22nd Street, Philadelphia, PA 19103, telephone (215) 560–8004, email *lflanders@collegeofphysicians.org,* by March 11, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Mütter Museum of the College of Physicians of Philadelphia is responsible for notifying The Tribes that this notice has been published.

Dated: January 21, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–02607 Filed 2–8–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031413; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mütter Museum of the College of Physicians of Philadelphia, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Mütter Museum of the College of Physicians of Philadelphia has completed an inventory of human remain, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Mütter Museum of the College of Physicians of Philadelphia. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the address in this notice by March 11, 2021.

ADDRESSES: Lowell Flanders, Collections Manager, College of Physicians of Philadelphia, 19 S 22nd Street, Philadelphia, PA 19103, telephone (215) 560–8004, email *lflanders@collegeofphysicians.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Mütter Museum of the College of Physicians of Philadelphia, Philadelphia, PA. The human remains were removed from Rock Island Arsenal, located on Arsenal Island (originally known as Rock Island) in Rock Island County, Illinois.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Mütter Museum of the College of Physicians of Philadelphia professional staff in consultation with representatives of the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shakopee Mdewakanton Sioux Community of Minnesota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date in the 19th century, human remains representing, at minimum, one individual were removed from Rock Island Arsenal, located on Arsenal Island (originally known as Rock Island) in Rock Island County, Illinois. The human remains were donated to the Mütter Museum sometime in the 19th century. The donor is unknown. No known individual was identified. No associated funerary objects are present.

Tribal affiliation was determined from writing on the squamous portion of the temporal bone stating ''Sioux Indian prisoner . . . Died at Rock Island.'' Rock Island Arsenal was originally established as a government site in 1816, with the building of Fort Armstrong. From approximately 1863 to1865, it was a prison for Confederate prisoners of war. How this individual came to be present at the Arsenal is unclear.

Determinations Made by the Mütter Museum of the College of Physicians of Philadelphia

Officials of the Mütter Museum of the College of Physicians of Philadelphia have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Lowell Flanders, Collections Manager, College of Physicians of Philadelphia, 19 S 22nd Street, Philadelphia, PA 19103, telephone (215) 560–8004, email *lflanders@collegeofphysicians.org,* by March 11, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Mütter Museum of the College of Physicians of Philadelphia is responsible for notifying The Tribes that this notice has been published.

Dated: January 21, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–02608 Filed 2–8–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031412; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Boston University, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Boston University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Boston University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Boston University at the address in this notice by March 11, 2021.

ADDRESSES: Kathryn M. Mellouk, Associate Vice President for Research Compliance, Boston University, One Silber Way, 9th floor, Boston, MA 02215, telephone (617) 358–4730, email *kateski@bu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Boston University, Boston, MA. The human remains and associated funerary objects were removed from the St. Johns River, which runs from Duval County down to Brevard County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Boston University professional staff in consultation with representatives of the Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

An invitation to consult was extended to the Miccosukee Tribe of Indians and The Seminole Nation of Oklahoma.

History and Description of the Remains

Sometime prior to 1936, human remains representing, at minimum, one individual were removed from the St. Johns River, which runs from Duval County down to Brevard County, FL. The human remains (inventory numbers 2067, 2068, and 129) were collected or acquired by Charles Herbert Mitchell. In 1936, Mr. Mitchell's family donated a portion of his collection to Boston University. In December 2018, a long-term volunteer curator of the University's archeology program collections and two undergraduate students found the human remains and wrote a description of them. A year later, when one of the students heard that the program was reviewing all its collections, the student recovered the description and sent it to university faculty on January 27, 2020. No known individual was identified. The one associated funerary object is a lot of ceramic sherds (inventory numbers 2016, 2017, 2018, and 2030).

Determinations Made by Boston University

Officials of Boston University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry, based on biological evidence.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human

remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Miccosukee Tribe of Indians; Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma (hereafter referred to as ''The Tribes''), based on oral tradition, archeological, geographic, and linguistic evidence.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kathryn M. Mellouk, Associate Vice President for Research Compliance, Boston University, One Silber Way, 9th floor, Boston, MA 02215, telephone (617) 358–4730, email *kateski@bu.edu,* by March 11, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Boston University is responsible for notifying The Tribes that this notice has been published.

Dated: January 21, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–02610 Filed 2–8–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031400; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes. Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by March 11, 2021.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN, and stored at the McClung Museum at the University of Tennessee, Knoxville, TN (UTK). The human remains and associated funerary objects were excavated from sites 40BN12, 40DR1, 40DR43, and 40HY13 in Benton, Decatur, and Henry Counties, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Muscogee (Creek) Nation; The Osage Nation (previously listed as Osage Tribe); The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

From September 12 to November 22, 1940, human remains representing, at minimum, 186 individuals were removed from site 40BN12, the Eva site in Benton County, TN. This site was excavated as part of TVA's Kentucky Reservoir project by the University of Tennessee, using labor and funds provided by the Works Progress Administration (WPA). Details regarding these excavations are in ''*Eva An Archaic Site,*'' authored by Thomas Lewis and Madeline Kneberg Lewis.

The human remains represent 68 females, 50 males, and 68 individuals of undeterminable sex. No known individuals were identified. The 257 associated funerary objects include one animal bone, one animal incisor, three antler flakers, three antler tines, one antler tool, three atlatl hooks, two bannerstones, one beaver molar, five blades, 14 bone awls, 10 bone beads, two bone objects, one bone pendant, one bone spatula, five coprolites, one daub, four dog burials, one dog canine tooth, one dog femur, one drill, two fish hooks, one gallstone, one bag of green mineral, two greenstone gorget fragments, one hair pin, one hammerstone, two knife bases, 25 lignite fragments, 24 fragments of ochre, 21 pebbles/drum teeth, 27 projectile points, 77 snake vertebrae (necklace), one stone, one stone bead, one turkey bone, seven pieces of turtle shell, one whetstone, and one worked bone.

As was common at this time, two perpendicular 3-foot wide trenches were placed across the site. Block excavation proceeded based on the stratigraphic information derived from the trenches. Below 5–8 inches of plow-zone, the excavators identified five strata. The field supervisor, David Osborne, described the first stratum as black humic soil that lacked shell. Stratum II was comprised of a similar black midden soil, but in addition, it contained mussel shell and was nearly a meter thick near the center of the site. Stratum III, described as a sandy loam of variable thickness, was not found throughout the site. Stratum IV was not found in all parts of the site, but was nearly half a meter thick in some areas. Shell was present near the base of this stratum. Stratum V was found in the southern portion of the site. It was sandy and lacked mussel shell. It also had the fewest artifacts. NAGPRA cultural items were found in each stratum. The chipped stone typology developed by Lewis and Lewis from 40BN12 has served as the basis for defining early hunter-gatherer occupations in the mid-continent. The

site also produced abundant bone and antler tools such as awls, needles and fishhooks. In his 2014 dissertation, Thaddeus Bissett presented 18 radiocarbon dates from this site. The calibrated calendar dates range from 8991 ± 151 to 6338 ± 61 B.P. Bissett's dissertation also indicated that occupation at the site mostly dates to the Middle Archaic.

From August 8 to October 17, 1941, human remains representing, at minimum, 97 individuals were excavated from the Oak View Landing site, 40DR1, in Decatur County, TN. Using WPA labor and funds, archeologists from the University of Tennessee sought to recover information from this site prior to the construction of TVA's Kentucky Reservoir. The results of these excavations were never published. A short field report by Carrol Burroughs indicates that the site had been disturbed by an early 20th century residence and warehouses associated with the river landing. In his 2014 dissertation, Bissett estimated that a 4,000 square-foot area of the site was dug and 78 features were identified, including 44 pits, 23 postmolds, three caches of river cobbles, two large depressions, and six burned areas. The site plan does not reveal any patterning of the postmolds that would suggest a structure or wall segment. The plan does indicate a concentration of burials in the southwest quadrant of the excavation units. Based on his analysis of hafted bifaces and two radiocarbon dates, Bissett concluded that the primary occupation of the site ranged from 5000 to 4000 B.P.

The fragmentary nature of the human remains made it difficult to determine the age and sex of the individuals. Of those that could be evaluated, 24 were female and 23 were male. They ranged in age from the one month to 50 years. No known individuals were identified. The 244 associated funerary objects include one abrader, 45 animal bones, three animal bone flakers, one animal tooth, one antler, nine antler flakers, four beaver teeth, one blade tip, 10 bone awls, eight bone beads, two bone scrapers, one burned clay object, one piece of chalk, one chipped stone biface, 73 copper beads, one deer astragalus, one deer scapula, one dog tooth, two drilled dog teeth, four drills, two stone flakes, four gorgets, one hammerstone, one hematite, five stone knives, one limestone, two needles, one paint rock, 46 projectile points, four rodent teeth, one sandstone celt sharpener, two stone scrapers, one ceramic sherd, one turtle shell, and two worked bones.

Between August 4–25, 1941, human remains representing, at minimum, one individual were excavated from the West Britt's Landing site, 40DR43, in Decatur County, TN. Charles Nash led a WPA crew in anticipation of the construction of the Kentucky Reservoir. Information on 40DR43 has never been published. For some years prior to the excavation, this area had been used as a landing and loading dock. This disturbance, as well as active erosion by the river, led to the destruction of most of the site. Four strata were defined during excavation. While ceramics were found only in the top-most stratum, stratum three contained most of the cultural deposits. Of the 21 numbered features identified, most were designated as hearths or shallow pits. Two burial units were identified during the excavation, but only one retained recoverable human remains. There are no radiocarbon dates from this site. The human remains belong to an adult male. No known individual was identified. No associated funerary objects are present.

From July through September 1940, human remains representing, at minimum, 78 individuals were excavated from the Kays Landing site, 40HY13, in Henry County, TN. George Lidberg and a WPA crew excavated 40HY13 in anticipation of the construction of the Kentucky Reservoir. The results of these excavations have never been published. Three trenches were excavated to identify the stratigraphy at the site. Five strata were identified. Stratum I, a black clay loam 4 inches to 3 feet thick, covered the entire excavation area and was also the only stratum with prehistoric ceramics. The upper portion was disturbed by cultivation. Stratum II, composed of 30–50% mussel shell mixed with humus and sand, was designated a shell mound by Lidberg. While the full extent of this stratum was not determined, in his 2014 dissertation, Bissett indicated that it was elliptical and extended roughly 23.5 meters north to south and 22.8 meters east to west. The shell content decreased with depth and graded into Stratum III, a thick layer of sand with shell fragments. Stratum III ranged from 2 to 3 feet in thickness. Stratum IV extended over all the excavation units and was 1–2 feet thick. Lidberg described it as bands of carbon-stained sand interspersed with ''clean'' water lain sands.

Eighteen numbered pits were excavated. Most of them were cylindrical and had flat bottoms. Many displayed evidence of burning along the sides, but not on the bottoms. The eight numbered features included four areas of burned clay or soil that may have represented light structures. Also, two accumulations of charcoal and burned bone and one cache of three nutting stones and three lithic raw material stones were discovered. The post molds do not form a pattern representing structures. Based on radiocarbon dates and diagnostic bifaces, Bissett identified three occupations of this site. The earliest one, represented by strata V and IV, dates to the late Middle Archaic, ca. 5500–5100 calibrated years B.P. Based on the number of burial units (46) and the quantity of artefacts recovered, this was a substantial occupation. The second occupation, represented by strata III and II, dates to the Late Archaic, roughly 4800–3800 years B.P. Although it does include the shell midden, this was a less extensive occupation. The most recent occupation, represented by stratum I, dates sometime after 3800 B.P. It was truncated by modern cultivation.

Of the 78 individuals recovered, 32 were female, 13 were male, and 33 were of indeterminate sex. Their ages ranged from fetus to 60 years. No known individuals were identified. The 955 associated funerary objects include nine animal bones, one antler, two beaver teeth, 48 bone awls (whole and fragments), one bone object, one bone tool, seven chert blades, one chert chisel, 10 chert tools, one gorget, 104 perforated canine teeth, three projectile points, one red ochre, 438 shell beads, two stone beads, and 326 turtle shell fragments.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in a prehistoric archeological site and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 362 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,456 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- The Treaty of October 19, 1818, indicates that the land from which the cultural items were removed is the

aboriginal land of The Chickasaw Nation.

• Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to The Chickasaw Nation.

• Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by March 11, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: January 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–02609 Filed 2–8–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031402; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Buffalo History Museum, Buffalo, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Buffalo History Museum (previously known as the Buffalo Historical Society), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Buffalo History Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Buffalo History Museum at the address in this notice by March 11, 2021.

ADDRESSES: Walter Mayer, Sr. Director of Collections, Buffalo History Museum, 1 Museum Court, Buffalo, NY 14216, telephone (716) 873–9644 Ext. 402, email *wmayer@buffalohistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Buffalo History Museum, Buffalo, NY, that meets the definition of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1898, the Buffalo Historical Society (now known as The Buffalo History Museum), purchased a peace medal (commonly known as the Red Jacket Peace Medal) that was once owned by the Seneca chief and orator Red Jacket, a member of the Wolf Clan. The peace medal was presented to Red Jacket by President Washington in Philadelphia, in 1792, when representatives of the Six Nations of the Iroquois Confederacy had gathered, at President Washington's request, to discuss future relationships between the United States and the Six Nations. Upon Red Jacket's death, the medal passed to his nephew, James Johnson. When Johnson died, the medal passed to Ely S. Parker. Parker was the last Seneca to have possession of the medal. In 1898, the Society purchased the medal from Ely S. Parker's widow, Minnie Parker.

Based on consultation with the Seneca Nation of Indians, the Buffalo Historical Society has determined that, as the Red Jacket Peace Medal was gifted as a symbol of peace, friendship, and enduring relationship between the United States and the Seneca Nation, it is an object of cultural patrimony.

Determinations Made by the Buffalo History Museum

Officials of the Buffalo History Museum have determined that:

• Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Seneca Nation of Indians (previously listed as Seneca Nation of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Walter Mayer, Sr. Director of Museum Collections, Buffalo History Museum, 1 Museum Court, Buffalo, NY 14216, telephone (716) 873–9644 Ext. 402, email *wmayer@buffalohistory.org,* by March 11, 2021. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Seneca Nation of Indians (previously listed as Seneca Nation of New York) may proceed.

The Buffalo History Museum is responsible for notifying the Seneca Nation of Indians (previously listed as Seneca Nation of New York) that this notice has been published.

Dated: January 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–02611 Filed 2–8–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

[OMB No. 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection: National Prisoner Statistics Program: Coronavirus Pandemic Supplement

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs,

Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until March 11, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* National Prisoner Statistics program: Coronavirus Pandemic Supplement (NPS–CPan).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is NPS–CPan. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be staff from state departments of correction and the Federal Bureau of Prisons. The NPS–CPan survey will request information on the prison response to the coronavirus disease (COVID–19) between March 1, 2020 and February 28, 2021, including: Monthly counts of admissions and stock populations in all publicly and privately operated facilities within each state, the total number of persons who received expedited release from prison due to the COVID–19 pandemic and criteria for deciding which prisoners received expedited release, the number of tests performed on prisoners, the number of unique prisoners testing positive for COVID–19, the sex and race/Hispanic origin distributions of prisoners testing positive for COVID–19, the age, sex, and race/Hispanic origin of prisoners dying from COVID–19, the number of pregnant female prisoners who died from COVID–19, the date of first vaccination of either staff or prisoners by the department of corrections, the number of staff and prisoners receiving at least one dose of the COVID–19 vaccine as of February 28, 2021, the number of prison staff who tested positive for or died from COVID–19, and policy questions on the use of common mitigation tactics in facilities to identify persons with the disease and prevent its spread, and to prioritize vaccinations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS estimates that responding to the NPS–CPan survey will require an average of 2.5 hours, based on feedback from respondents to a cognitive test of the data collection.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 127.5 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 4, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–02663 Filed 2–8–21; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the ''*Local Area Unemployment Statistics (LAUS) Program*''. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 12, 2021.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to *BLS_PRA_Public@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS has been charged by Congress (29 U.S.C. Sections 1 and 2) with the responsibility of collecting and publishing monthly information on employment, the average wage received, and the hours worked by area and industry. The process for developing residency-based employment and unemployment estimates is a cooperative Federal-State program which uses employment and

unemployment inputs available in State Workforce Agencies.

The labor force estimates developed and issued in this program are used for economic analysis and as a tool in the implementation of Federal economic policy in such areas as employment and economic development under the Workforce Innovation and Opportunity Act of 2014 (that supplanted the Workforce Investment Act of 1998) and the Public Works and Economic Development Act, among others.

The estimates also are used in economic analysis by public agencies and private industry, and for State and area funding allocations and eligibility determinations according to legal and administrative requirements. Implementation of current policy and legislative authorities could not be accomplished without collection of the data.

The reports and manual covered by this request are integral parts of the LAUS program insofar as they ensure and measure the timeliness, quality, consistency, and adherence to program directions of the LAUS estimates and related research.

II. Current Action

Office of Management and Budget clearance is being sought for an extension of the information collection request that makes up the LAUS program. All aspects of the information collection are conducted electronically. All data are entered directly into BLS-provided systems.

The BLS, as part of its responsibility to develop concepts and methods by which States prepare estimates under the LAUS program, developed a manual for use by the States. The manual explains the conceptual framework for the State and area estimates of employment and unemployment, specifies the procedures to be used, provides input information, and discusses the theoretical and empirical basis for each procedure. This manual is updated on a regular schedule. With this request, the LAUS program will be implementing the 5th Generation of LAUS State Models.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information continues to have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: Local Area Unemployment Statistics (LAUS) Program.

OMB Number: 1220–0017.

Type of Review: Extension of a currently approved collection.

Affected Public: State governments.

	Total respondents	Frequency	Total responses	Average time per response (hours)	Estimated total burden (hours)
LAUS 3040	52 respondents with 7303 reporting units.	13	94,939	1.5	142,409
LAUS 8	52	11	572	1	572
LAUS 15	6	1	6	2	12
LAUS 16	52	1	52	1	52
Totals			95,569		143,045

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, on February 3, 2021.

Mark Staniorski,

Chief, Division of Management Systems.

[FR Doc. 2021–02622 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Health Insurance Claim Form

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Health Insurance Claim Form.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 12, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at (202) 354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S–3323, 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs by telephone at (202) 354–9660 (this is not a toll-free

number) or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Form OWCP–1500 is used by OWCP and contractor bill payment staff to process bills for medical services provided by medical professionals other than medical services provided by hospitals, pharmacies and certain other medical providers. This information is required to pay health care providers for services rendered to injured employees covered under the Office of Workers' Compensation Programs—administered programs. Appropriate payment cannot be made without documentation of the medical services that were provided by the health care provider that is billing OWCP. The information obtained to complete claims under these programs is used to identify the patient and determine their eligibility. It is also used to decide if the services and supplies received are covered by these programs and to assure that proper payment is made. Energy Employees Occupational Illness Compensation Program Act of 2000, 42 U.S.C., Black Lung Benefits Act, 30 U.S.C. 901, and the Federal Employees Compensation Act, 5 U.S.C. 8101 authorize this information collection.

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 it is approved by the OMB under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention 1240–0044.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Type of Review: Extension.

Title of Collection: Health Insurance Claim Form.

Form: OWCP–1500.

OMB Control Number: 1240–0044.

Affected Public: Private Sector—businesses or other for-profits.

Estimated Number of Respondents: 57,099.

Frequency: On occasion.

Total Estimated Annual Responses: 3,381,232.

Estimated Average Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 321,455 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021–02636 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Medical Travel Refund Request

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Medical Travel Refund Request.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 12, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at (202) 354–9660, or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S–3323, 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at (202) 354–9660 (this is not a toll-free number) or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Form OWCP–957 is used to request reimbursement for out-of-pocket expenses incurred when traveling to medical providers for covered medical

testing or treatment. Black Lung Benefits Act (BLBA), 30 U.S.C. 901, Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) 42 U.S.C. 7384, and the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 authorize this information collection.

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 it is approved by the OMB under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention 1240–0037.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Type of Review: Extension.

Title of Collection: Medical Travel Refund Request.

Form: OWCP–957.

OMB Control Number: 1240–0037.

Affected Public: Individuals or households.

Estimated Number of Respondents: 34,703.

Frequency: On occasion.

Total Estimated Annual Responses: 333,528.

Estimated Average Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 55,366 hours.

Total Estimated Annual Other Cost Burden: $ 173,435.

(Authority: 44 U.S.C. 3506(c)(2)(A))

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021–02635 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[Docket No. WCPO–2020–0002]

Black Lung Benefits Act Self-Insurance: Withdrawal of Guidance

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Withdrawal of notice and request for comments.

SUMMARY: The Office of Workers' Compensation Programs (OWCP) is withdrawing a notice and request for comments entitled ''Guidance on Black Lung Benefits Act Self-Insurance,'' which was published in the **Federal Register** on January 8, 2021.

DATES: The withdrawal is effective February 9, 2021.

FOR FURTHER INFORMATION CONTACT: Michael Chance, Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3464, Washington, DC 20210. Telephone: 1–800–347–2502. This is a toll-free number. TTY/TDD callers may dial toll-free 1–800–877–8339 for further information.

SUPPLEMENTARY INFORMATION: On January 8, 2021, OWCP published a notice and request for comments entitled ''Guidance on Black Lung Benefits Act Self-Insurance'' in the **Federal Register**. 86 FR 1529 (Jan. 8, 2021). The notice informed and invited comment from the public on a preliminary program bulletin related to coal-mine operators applying to self-insure their liabilities under the Black Lung Benefits Act. 30 U.S.C. 901–944. The comment period under the notice runs through February 8, 2021.

OWCP is now withdrawing the notice and request for comments on the preliminary self-insurance bulletin because the legal bases for publishing the notice—the Department of Labor's PRO Good Guidance Rule (29 CFR part 89) and Executive Order 13891 (84 FR 55235 (Oct. 15, 2019))—have been rescinded or revoked. See 86 FR 7237 (Jan. 27, 2021) (rescinding 29 CFR part 89); E.O. 13992, 86 FR 7049 (Jan. 20, 2021) (revoking E.O. 13891).

OWCP's action is also consistent with the January 20, 2021 memorandum for the Heads of Executive Departments and Agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review.'' 86 FR 7424 (Jan. 28, 2021). The memorandum directs agencies to pause or delay certain regulatory actions, including actions related to guidance documents, for the purpose of reviewing questions of fact, law, and policy raised therein. OWCP intends to review the self-insurance bulletin and offer the public an opportunity to comment on self-insurance procedures at a later time.

Accordingly, OWCP is withdrawing the notice and request for comments published on January 8, 2021. The withdrawal of the guidance does not change any law, regulation, or other legally binding requirement.

Dated: February 3, 2021.

Christopher J. Godfrey,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2021–02614 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Claim for Medical Reimbursement Form

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Claim for Medical Reimbursement Form.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in

accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 12, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at (202) 354–9660 (this is not toll-free number) or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs by telephone at (202) 354–9660 (this is not a toll-free number) or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Form OWCP–915 is used to claim reimbursement for out-of-pocket covered medical expenses paid by a beneficiary, and must be accompanied by required billing data elements (prepared by the medical provider) and by proof of payment by the beneficiary. Employees Compensation Act, 5 U.S.C. 8101, Black Lung Benefits Act, 30 U.S.C. 901, Energy Employees Occupational Illness Compensation Program Act of 2000, 42 U.S.C. 7384 authorize this information collection.

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 it is approved by the OMB under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention 1240–0007.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Type of Review: Extension

Title of Collection: Claim for Medical Reimbursement Form.

Form: OWCP–915.

OMB Control Number: 1240–0007.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,260.

Frequency: Annually.

Total Estimated Annual Responses: 34,564.

Estimated Average Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 5,738 hours.

Total Estimated Annual Other Cost Burden: $59,450.

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021–02634 Filed 2–8–21; 8:45 am]

BILLING CODE 4510–CR–P

LEGAL SERVICES CORPORATION

Pro Bono Innovation Fund Request for Pre-Applications for 2021 Grant Funding

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) issues this Notice describing the conditions for submitting a Pre-Application for 2021 Pro Bono Innovation Fund grants.

DATES: Pre-Applications must be submitted by 11:59 p.m. EST on Monday, March 15, 2021.

ADDRESSES: Pre-Applications must be submitted electronically to *http://lscgrants.lsc.gov.*

FOR FURTHER INFORMATION CONTACT: Mytrang Nguyen, Program Counsel, Office of Program Performance, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007; (202) 295–1564 or *nguyenm@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

Since 2014, Congress has provided an annual appropriation to LSC ''for a Pro Bono Innovation Fund.'' *See, e.g.,* Consolidated Appropriations Act, 2017, Public Law 115–31, 131 Stat. 135 (2017). LSC requested these funds for grants to ''develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to expand clients' access to high quality legal assistance.'' LSC Budget Request, Fiscal Year 2014 at 26 (2013). The grants must involve innovations that are either ''new ideas'' or ''new applications of existing best practices.'' *Id.* Each grant would ''either serve as a model for other legal services providers to follow or effectively replicate a prior innovation. *Id.* The Senate Appropriations Committee explained that these funds ''will support innovative projects that promote and enhance pro bono initiatives throughout the Nation,'' and the House Appropriations Committee directed LSC ''to increase the involvement of private attorneys in the delivery of legal services to [LSC-eligible] clients.'' Senate Report 114–239 at 123 (2016), House Report 113–448 at 85 (2014).

Since its inception, the Pro Bono Innovation Fund has advanced LSC's goal of increasing the quantity and

quality of legal services by funding projects that more efficiently and effectively involve pro bono volunteers in serving the critical unmet legal needs of LSC-eligible clients. In 2017, LSC built on these successes by creating three funding categories to better focus on innovations serving unmet and well-defined client needs (Project Grants), on building comprehensive and effective pro bono programs through new applications of existing best practices (Transformation Grants), and on providing continued development support for the most promising innovations (Sustainability Grants).

II. Funding Opportunities Information

A. Eligible Applicants

To be eligible for the Pro Bono Innovation Fund's Project, Sustainability, and Transformation grants, Applicants must be current grantees of LSC Basic Field-General, Basic Field-Migrant, or Basic Field-Native American grants. In addition, Sustainability Grant Applicants must also be a current Pro Bono Innovation Fund grantee with a 2019 grant award.

B. Pro Bono Innovation Fund Purpose and Key Goals

Pro Bono Innovation Fund grants develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to use pro bono volunteers to serve larger numbers of low-income clients and improve the quality and effectiveness of the services provided. The key goals of the Pro Bono Innovation Fund are to:

1. Address gaps in the delivery of legal services to low-income people;
2. Engage more lawyers and other volunteers in pro bono service;
3. Develop, test, and replicate innovative pro bono efforts.

C. Funding Categories

1. Project Grants

The goal of Pro Bono Innovation Fund Project Grants is to leverage volunteers to meet a critical, unmet and well-defined client need. Consistent with the key goals of the Pro Bono Innovation Fund, applicants are encouraged to focus on engaging volunteers to increase free civil legal aid for low-income Americans by proposing new, replicable ideas. This year, the Pro Bono Innovation Fund will have two Project Grant types, Direct Service and Non-direct Service. Direct Service projects are focused on engaging volunteers to increase free legal assistance for eligible clients. Non-direct service projects propose to strengthen core aspects of pro bono delivery systems and may not result in direct pro bono client services within the grant timeframe (*i.e.,* develop suite of substantive training materials, create on-demand videos for volunteers, etc.).

Applicants are strongly encouraged to research prior Pro Bono Innovation Fund projects to replicate and improve upon them. LSC is particularly interested in applications that propose to replicate projects LSC has previously funded with ''Sustainability'' Grants. Project Grants can be either 18 or 24 months.

2. Transformation Grants

The goal of Pro Bono Innovation Fund Transformation Grants is to support LSC grantees in comprehensive assessment and restructuring of pro bono programs through new applications of existing best practices in pro bono delivery. Each Transformation Grant will support a rigorous assessment of an LSC grantee's pro bono program and the identification of best practices in pro bono delivery that are best suited to that grantee's needs and circumstances. Transformation Grants are targeted towards LSC grantees whose leadership is committed to restructuring an entire pro bono program and incorporating pro bono best practices into core, high-priority client services with an urgency to create a high-impact pro bono program. This funding opportunity is open to all LSC grantees but is primarily intended for LSC grantees who have been unsuccessful applying for Project Grants or who have never applied for a Pro Bono Innovation Fund grant in the past. Transformation Grants can be either 24 or 36 months.

3. Sustainability Grants

Pro Bono Innovation Fund Sustainability Grants are available to current Pro Bono Innovation Fund grantees who received a 2019 Project grant. The goal of Sustainability Grants is to support further development of the most promising and replicable Pro Bono Innovation Fund projects with an additional 24 months of funding so grantees can leverage new sources of revenue for the project and collect meaningful data to demonstrate the project's results and outcomes for clients and volunteers. Applicants for Sustainability Grants will be asked to propose an ambitious strategy that reduces the Pro Bono Innovation Fund contribution to the project over the Sustainability Grant term.

D. Available Funds and Additional Consideration for 2021 Grants

LSC anticipates awarding up to $4,512,500 through Pro Bono Innovation Fund grants in 2021. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. LSC will not designate fixed or estimated amounts for the three different funding categories and will make grant awards for the three categories within the total amount of funding available.

LSC's Fiscal Year 2021 appropriations legislation included language for LSC ''to explore opportunities to increase access to eviction-related legal aid . . . including through LSC's Pro Bono Innovation Fund.'' PBIF proposals that direct pro bono resources towards addressing unmet legal needs for evictions in jurisdictions with high eviction rates will receive additional consideration in the application review process.

E. Grant Terms

Pro Bono Innovation Fund awards can have grant terms of 18, 24, or 36 months, depending on the category of grant.

	18 Months	24 Months	36 Months
Project Grants	√	√	X
Transformation Grants	X	√	√
Sustainability Grants	X	√	X

Applicants for Project Grants can apply for either an 18- or a 24-month grant. Applicants for Transformation Grants can apply for either a 24- or a 36-month grant. Applicants for Sustainability Grants can apply for a 24-month grant only. Applications must cover the full proposed grant term. The grant term is expected to commence on October 1, 2021.

III. Grant Application Process

A. Pro Bono Innovation Fund Grant Application Process

This year, the Pro Bono Innovation Fund application process will be administered in LSC's unified grants management system, GrantEase. Applicants must first submit a Pre-Application (formerly Letter of Intent to Apply for Funding or ''LOI'') to LSC in GrantEase by March 15, 2021 to be considered for a grant. After review by LSC Staff, LSC's President decides which applicants will be asked to submit a full application. Applicants will be notified of approval to submit a full application by mid-May 2021. Full applications are due to LSC in the GrantEase system on July 1, 2021. Once received, full applications will undergo a rigorous review by LSC staff and other subject matter experts. LSC's President makes the final decision on funding for the Pro Bono Innovation Fund.

B. Late or Incomplete Applications

LSC may consider a request to submit a Pre-Application after the deadline, but only if the Applicant has submitted an email to *probonoinnovation@lsc.gov* explaining the circumstances that caused the delay prior to the Pre-Application deadline. Communication with LSC staff, including assigned Program Liaisons, is not a substitute for sending a formal request and explanation to *probonoinnovation@lsc.gov.* At its discretion, LSC may consider incomplete applications. LSC will determine the admissibility of late or incomplete applications on a case-by-case basis.

C. Multiple Pre-Applications

Applicants may submit multiple Pre-applications under the same or different funding category. If applying for multiple grants, applicants should submit separate Pre-applications for each funding request.

D. Additional Information and Guidelines

Additional guidance and instructions on the Pro Bono Innovation Fund Pre-Application and Application processes, will be available and regularly updated at *https://www.lsc.gov/grants-grantee-resources/our-grant-programs/pro-bono-innovation-fund.*

Dated: February 4, 2021.

Stefanie Davis,

Senior Assistant General Counsel.

[FR Doc. 2021–02645 Filed 2–8–21; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Committee on Science and Engineering Policy hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business as follows:

TIME AND DATE: Friday, February 12, 2021, from 3:00–3:30 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; discussion of the narrative outline for the Science and Engineering Indicators 2022 thematic report on Science and Technology: Public Perceptions, Awareness, and Information Sources.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Reba Bandyopadhyay, *rbandyop@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. 2021–02700 Filed 2–5–21; 11:15 am]

BILLING CODE 7555–01–P

PENSION BENEFIT GUARANTY CORPORATION

Performance Review Board Members

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) announces the appointment of members of the PBGC Performance Review Board.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), made applicable by PBGC's Senior Level Performance Management System, PBGC announces the appointment of those individuals who have been selected to serve as members of PBGC's Performance Review Board. The Performance Review Board is responsible for making recommendations on each senior level (SL) professional's annual summary rating, performance-based adjustment, and performance award to the appointing authority.

The following individuals have been designated as members of PBGC's 2020 Performance Review Board:

1. Gordon Hartogensis, Director
2. Kristin Chapman, Chief of Staff
3. David Foley, Chief of Benefits Administration
4. Patricia Kelly, Chief Financial Officer
5. Alice Maroni, Chief Management Officer

Issued in Washington, DC.

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–02656 Filed 2–8–21; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket No. MT2020–2; Order No. 5830]

Market Test of Experimental Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently filed Postal Service request for exemption from annual revenue limitation for Market Test of Experimental Product-Extended Mail Forwarding. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 10, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

II. Background
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

On January 29, 2021, the Postal Service filed a request, pursuant to 39 U.S.C. 3641(e)(2), for an exemption from the $10 million annual revenue limitation for the Extended Mail Forwarding market test.[1] The Commission authorized the market test to begin on August 1, 2020, and to proceed until expiration on August 1, 2022.[2]

II. Background

The Postal Service states that ''Extended Mail Forwarding is a customer-focused service that ensures customers receive mailpieces for which they are the intended recipient after they change addresses.'' Request at 2. The purpose of the service is to allow ''[i]Individuals, families, and businesses exercise greater control over their mail forwarding expiration dates to better fit their needs, providing more time to communicate with their mailing contacts and update their information.'' *Id.* The Postal Service states that it ''initially introduced its test of Extended Mail Forwarding in nine postal districts: Alabama, Dakotas, Dallas, Northern New Jersey, Northland, Ohio Valley, Sacramento, San Diego, and Santa Ana. Given the strong results in those districts, on October 1, 2020, the Postal Service expanded the geographic scope of the market test nationwide, following its notice to the Commission on September 18, 2020.'' [3]

Total revenues anticipated or received by the Postal Service from the Extended Mail Forwarding market test must not exceed $10 million, as adjusted for inflation, in any year unless the Commission exempts the market test from that limit.[4] If the Commission grants an exemption, total revenues anticipated or received by the Postal Service from Extended Mail Forwarding may not exceed $50 million in any year, adjusted for inflation. 39 U.S.C. 3641(e)(2), (g). The Postal Service states that ''it expects the market test to exceed the dollar limitation in the present quarter.'' Request at 4.

The Commission's regulations require the Postal Service to file cost and revenue information with its request for exemption. 39 CFR 3045.16(f). The Postal Service has submitted actual and expected costs and revenue for the market test. Request at 3. The Postal Service states that at the close of FY 2020, Quarter 4, the Extended Mail Forwarding market test, then limited to nine postal districts, received $655,352.[5] The Postal Service states that at the close of FY 2021, Quarter 1, the Extended Mail Forwarding market test, then expanded to a nationwide scope, received $7,958,925.30, as shown in the quarterly data report filed with the Commission. Request at 3. The Postal Service states that the Quarterly Report for FY 2021, Quarter 1, indicates combined development and attributable costs for the market test through December 31, 2020 were $504,897.65. *Id.*

The Postal Service is required to estimate the anticipated additional revenue for each fiscal year remaining on the market test. The Postal Service states that if market trends and customer adoption metrics reflected in the FY 2021 Quarter 1 data collection report continue through FY 2021, the Postal Service anticipates that it will collect $31.8 million during FY 2021, well below the applicable $60,139,860 annual limit if the exception request is granted. *Id.* The Postal Service expects a similar result for FY 2022, but the test is expected to run only through the third quarter of FY 2022, so that yearly revenue for FY 2022 is expected to be approximately one-fourth less than for FY 2021, unless customer adoption increases. *Id.*

The Commission shall approve the request for exemption if it determines that: (1) The product is likely to benefit the public and meet an expected demand; (2) the product is likely to contribute to the financial stability of the Postal Service; and (3) the product is unlikely to result in unfair or otherwise inappropriate competition. 39 U.S.C. 3641(e)(2). In its Request, the Postal Service discusses how the Extended Mail Forwarding market test benefits the public and meets an expected demand, contributes to the Postal Service's financial stability, and is unlikely to result in unfair or inappropriate competition. Request at 2.

The Commission rules require exemption requests to be filed 45 days in advance of the date the Postal Service expects to exceed the limit. *Id.* at 4. The Postal Service states that it received higher than expected results from Quarter 1 of FY 2021 and has proceeded expeditiously after receiving those results. *Id.*

III. Commission Action

The Commission invites comments on whether the Request complies with applicable statutory and regulatory requirements, including 39 U.S.C. 3641, 39 CFR part 3045, and Order No. 5591. Comments are due no later than February 10, 2021. The public portions of these filings can be accessed via the Commission's website (*http://www.prc.gov*).

39 U.S.C. 505 requires the Commission to designate an officer of the Commission to represent the interests of the general public in all public proceedings (Public Representative). The Commission previously appointed Richard A. Oliver to serve as the Public Representative in this proceeding. He remains appointed to serve as the Public Representative.

IV. Ordering Paragraphs

It is ordered:

1. The Commission invites comments on the United States Postal Service Request for Exemption from Dollar Amount Limitation on Market Test of Experimental Product-Extended Mail Forwarding, filed January 29, 2021.

2. Pursuant to 39 U.S.C. 505, Richard A. Oliver remains appointed to serve as the Public Representative in this proceeding.

3. Comments by interested persons are due no later than February 10, 2021.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2021–02568 Filed 2–8–21; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* United States Postal Service Request for Exemption from Dollar Amount Limitation, January 29, 2021 (Request).

[2] Order Authorizing Extended Mail Forwarding Market Test, July 20, 2020, at 2 (Order No. 5591).

[3] *Id.* at 1, *See* United States Postal Service Notice of Material Change to Market Test, September 18, 2020.

[4] *See* 39 U.S.C. 3641(e). The $10 million annual limitation is adjusted by the change in the consumer price index for all urban consumers (CPI–U). *Id.* 3641(g). *See also,* 39 CFR 3045.15. The Commission rules provide the formula for adjusting the annual limitation, and the Commission publishes the resulting annual limitation on its website, *www.prc.gov,* under the reference section in the document titled ''CPI Figures.''

[5] Request at 3; *see* Letter to Secretary Erica A. Barker Providing Extended Mail Forwarding Data Collection Report for FY 2020, Quarter 4, November 10, 2020.

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–67 and CP2021–70]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the

Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 11, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

1. *Docket No(s).:* MC2021–67 and CP2021–70; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 190 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 3, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* February 11, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2021–02669 Filed 2–8–21; 8:45 am]
BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Student Beneficiary Monitoring; OMB 3220–0123.

Under provisions of the Railroad Retirement Act (RRA), there are two types of benefit payments that are based on the status of a child being in full-time elementary or secondary school attendance at age 18–19: (1) A survivor child's annuity benefit under Section 2(d)(1)(iii) (45 U.S.C. 231a) and (2) an increase in the employee retirement annuity under the Special Guaranty computation as prescribed in Section 3(f)(2) (45 U.S.C. 231b) and 20 CFR 229.

The survivor student annuity is usually paid by direct deposit to a financial institution either into the student's checking or savings account or into a joint bank account with a parent. The requirements for eligibility as a student are prescribed in 20 CFR 216.74, and include students in independent study and home schooling.

To help determine if a child is entitled to student benefits, the RRB requires evidence of full-time school attendance. This evidence is acquired through the RRB's student monitoring program, which utilizes the following forms. Form G–315, Student Questionnaire, obtains certification of a student's full-time school attendance as well as information on the student's marital status, social security benefits, and employment, which are needed to determine entitlement or continued entitlement to benefits under the RRA. Form G–315A, Statement of School Official, is used to obtain, from a school, verification of a student's full-time attendance when the student fails to return a monitoring Form G–315. Form G–315A.1, School Official's Notice of Cessation of Full-Time School Attendance, is used by a school to notify the RRB that a student has ceased full-time school attendance. The RRB proposes no changes to Forms G–315, G–315A, or G–315A.1.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–315	860	15	215

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

ESTIMATE OF ANNUAL RESPONDENT BURDEN—Continued

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–315A	20	3	1
G–315A.1	20	2	1
Total	900		217

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian D. Foster,

Clearance Officer.

[FR Doc. 2021–02664 Filed 2–8–21; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91054; File No. SR–LTSE–2020–22]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Rule 14.602 Related to Promotional Services and Listing Ceremonies for Listed Companies

February 3, 2021.

I. Introduction

On December 10, 2020, Long-Term Stock Exchange, Inc. (''LTSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt Rule 14.602 to provide for promotional services and listing ceremonies that will be offered by the Exchange in connection with a Company's approval for listing on the Exchange. The proposed rule change was published for comment in the **Federal Register** on December 28, 2020.[3] On January 22, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change in its entirety.[4] The Commission has received no comments on the proposed rule change. This order provides notice of the filing of Amendment No. 1 to the proposed rule change, and grants approval to the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to adopt Rule 14.602 to provide for promotional services and listing ceremonies that will be offered by the Exchange in connection with a Company's [5] approval for listing on the Exchange.[6]

Proposed LTSE Rule 14.602 states that in connection with a Company's approval for listing, the Exchange offers promotional services (including press releases, articles, videos, and podcasts) and invites the Company to participate in listing ceremonies.[7] According to the Exchange, the promotional services would be tailored to meet the needs of the Company, and would allow the Company access to media services that would support the creation of press releases, articles, videos, and podcasts featuring the Company and its personnel.[8] These promotional services also would include assistance with distributing such content on traditional and social media platforms, including websites operated by the Exchange.[9] The Exchange states that a full suite of promotional services will be offered to each Company approved to list on the Exchange, and that some Companies may choose to avail themselves of all promotional services, whereas others may choose only a subset of services or none.[10]

The Exchange further proposes to establish a listing ceremony to commemorate a Company becoming listed on the Exchange.[11] While LTSE is only accepting dual-listings at the present time, the Exchange asserts that the decision of a Company to list on the Exchange and adopt ''Long-Term Policies'' consistent with LTSE Rule 14.425 is a significant event for which a listing ceremony would be appropriate.[12] According to the Exchange, the listing ceremony would be comparable to ''ringing a bell'' by gathering Company and Exchange personnel to celebrate that the Company has listed on the Exchange.[13] The Exchange states that because it does not have a trading floor or a market site, it will work with each Company to design and plan a listing ceremony that reflects the Company's values and mission, and that the ceremony may be conducted in person or remotely.[14]

The Exchange anticipates that it will use an affiliate, LTSE Services, Inc. (''LTSE Services''), to, among other things, draft marketing content for review by the Exchange and the Company, produce and edit videos and podcasts, and coordinate listing ceremonies, whether done as in-person or remote events.[15] LTSE maintains a commercial relationship with LTSE

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90731 (December 18, 2020), 85 FR 84449 (December 28, 2020) (''Notice'').

[4] In Amendment No. 1 to the proposed rule change, the Exchange clarified that: (i) The proposed promotional services and listing ceremonies will be offered to Companies on or around the time of listing, in connection with listing on the Exchange; and (ii) that the Exchange will offer comparable promotional services and listing ceremonies of comparable value to each listed Company. Amendment No. 1 is available on the Commission's website at *https://www.sec.gov/comments/sr-ltse-2020-22/srltse202022-8274519-228078.pdf.*

[5] ''Company'' means the issuer of a security listed or applying to list on the Exchange. For purposes of Chapter 14 of the LTSE Rules, the term ''Company'' includes an issuer that is not incorporated, such as, for example, a limited partnership. *See* LTSE Rule 14.002(a)(5).

[6] *See* Notice, *supra* note 3, at 84449.

[7] *See id.*

[8] *See id.*

[9] *See id.*

[10] *See id.*

[11] *See id.*

[12] *See id.*

[13] *See id.* at 84450.

[14] *See id.* at 84449–50. In this regard, the Exchange states that the absence of a trading floor or dedicated market site allows the Exchange to be flexible in providing listing ceremonies that can be more inclusive in terms of the number of Company personnel who may attend and the location of the ceremony. *See id.* at 84450.

[15] *See id.* at 84450 n.6.

Services to leverage the company's technological expertise to support the Exchange's software needs,[16] and LTSE Services also provides communications and marketing services to the Exchange.[17]

The Exchange states that its proposed provisions regarding listing ceremonies would be comparable to provisions in New York Stock Exchange LLC (''NYSE'') Listed Company Manual Section 106.03,[18] though tailored to address the fact that a Company listing on LTSE may be a public company and therefore is already trading on the Exchange (as well as other national securities exchanges).[19] Moreover, the Exchange asserts that its listing ceremonies would be more inclusive, as LTSE does not plan to limit listing ceremonies to a particular physical location or solely to a Company's directors and officers.[20]

In addition, the Exchange represents that if it expands the menu of promotional services offered, or elects to provide new products or services to listed Companies, the Exchange will incorporate such changes in a new proposed rule change.[21]

III. Discussion and Commission Findings

The Commission has carefully reviewed the proposed rule change, as modified by Amendment No. 1, and finds that it is consistent with the requirements of Section 6 of the Act.[22] Specifically, the Commission finds that the proposal is consistent with Sections 6(b)(4) [23] and 6(b)(5) of the Act [24] in particular, in that the proposed rule is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members, issuers, and other persons using the Exchange's facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Moreover, the Commission finds that the proposal is consistent with Section 6(b)(8) of the Act [25] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange argues that it is fair and reasonable to offer promotional services and listing ceremonies to Companies on or around the time of listing, in connection with listing on the Exchange, given that LTSE expects to face competition from NYSE and the Nasdaq Stock Market LLC (''Nasdaq'') as a new entrant into the exchange listing market.[26] The Exchange asserts that offering promotional services and listing ceremonies for Companies listing on the Exchange would allow the Exchange to more effectively attract Companies to list on LTSE.[27] The Exchange contends that to the extent its listing program is successful, it will provide a competitive alternative that will thereby benefit companies and investors, and remove impediments to and perfect the mechanism of a free and open market and a national market system, consistent with the protection of investors and the public interest.[28]

The Exchange also argues that its proposal to offer promotional services and listing ceremonies for listed Companies is fair and not unfairly discriminatory because the promotional services and listing ceremonies will be offered to all listed Companies on the same terms and conditions without differentiation.[29] The Exchange further states that it will offer comparable promotional services and listing ceremonies of comparable value to each listed Company.[30] According to the Exchange, the scope of promotional services and listing ceremonies provided by the Exchange to each Company ultimately will depend on which services the Company selects, insofar as these are optional services for the Company.[31]

Finally, the Exchange argues that the proposed rule change, as modified by Amendment No. 1, will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[32] The Exchange asserts that the proposal will enhance competition by facilitating LTSE's listing program, which will allow the Exchange to provide companies with another listing option, thereby promoting intermarket competition between exchanges by offering a new listing market to compete with NYSE and Nasdaq.[33] The Exchange states that, as a dual listing venue, LTSE expects to face competition from existing exchanges because companies have a choice to list their securities solely on a primary listing venue.[34] Consequently, the Exchange contends that the degree to which its promotional services and listing ceremonies could impose any burden on intermarket competition is extremely limited.[35] In addition, the Exchange argues that the proposed rule change, as modified by Amendment No. 1, will not result in any burden on intramarket competition, either, since LTSE will offer the promotional services and listing ceremonies for all listed Companies on the same terms and conditions without differentiation.[36]

The Commission believes that the proposed rule change, as amended, is appropriate and consistent with the Act. The Commission believes that by describing in its Rules the promotional services and listing ceremonies available to listed Companies, the Exchange is adding greater transparency to its rules and the fees applicable to such Companies.[37] This will help to ensure that individual listed Companies are not given specially negotiated packages of products and services to list or remain listed that would raise unfair discrimination issues under the Act. In this regard, the Commission also notes the Exchange's representation that the proposed promotional services and listing ceremonies will be offered to Companies only on or around the time of listing, in connection with listing on

[16] *See* Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841, 21842 (May 15, 2019) (File No. 10–234) (In the Matter of the Application of Long Term Stock Exchange, Inc.; for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

[17] *See* Notice, *supra* note 3, at 84450 n.6.

[18] *See* NYSE Listed Company Manual Section 106.03 (''The Exchange invites the company's directors and officers to participate in listing ceremonies on the first day of trading. . . . The Exchange has a public relations area which will coordinate the publicity for the event including picture taking on the trading floor.'').

[19] *See* Notice, *supra* note 3, at 84450.

[20] The Exchange states that it believes the Company should determine where such ceremonies should take place and who should participate in the ceremonies. *See id.*

[21] *See id.* at 84449 n.4

[22] 15 U.S.C. 78f. 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).

[23] 15 U.S.C. 78f(b)(4).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(8).

[26] *See* Notice, *supra* note 3, at 84450; Amendment No. 1, *supra* note 4, at 6. The Exchange maintains that the existing U.S. exchange listing market for operating companies is ''essentially a duopoly,'' with the vast majority of operating companies listed on U.S. securities exchanges listing on NYSE or Nasdaq. *See* Notice, *supra* note 3, at 84450.

[27] *See id.*

[28] *See id.*

[29] *See id.*

[30] *See* Amendment No. 1, *supra* note 4, at 7.

[31] *See* Notice, *supra* note 3, at 84450.

[32] *See id.*

[33] *See id.*

[34] *See id.*

[35] *See id.*

[36] *See id.*

[37] The Commission views complimentary products and services provided by exchanges to listed companies as a discount on the ultimate listing fees paid by such companies. *See, e.g.,* Securities Exchange Act Release Nos. 81872 (October 13, 2017), 82 FR 48733 (October 19, 2017) (order approving SR–IEX–2017–20); 65127 (August 12, 2011), 76 FR 51449 (August 18, 2011) (order approving SR–NYSE–2011–20); and 65963 (December 15, 2011), 76 FR 79262 (December 21, 2011) (order approving SR–NASDAQ–2011–122).

the Exchange,[38] and not on an ongoing basis.

Moreover, the Commission notes the Exchange's representations that the proposed promotional services and listing ceremonies will be offered to all listed Companies on the same terms and conditions without differentiation,[39] and that the Exchange will offer comparable promotional services and listing ceremonies of comparable value to each listed Company.[40] Accordingly, the Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and, in particular, that the services are equitably allocated among issuers consistent with Section 6(b)(4) of the Act,[41] and the rule does not unfairly discriminate between issuers consistent with Section 6(b)(5) of the Act.[42] The Commission also notes that the Exchange has represented that if it expands the menu of promotional services offered, or elects to provide new products or services to listed Companies, the Exchange will incorporate such changes in a new proposed rule change.[43]

The Commission also believes that the Exchange is responding to competitive pressures in the market for listings in making this proposal. Specifically, the Exchange stated in its proposal that it expects to face competition as a new entrant in the market for exchange listings, and that it believes the promotional services and listing ceremonies that it proposes to offer to listed companies will facilitate LTSE's ability to attract and retain listings.[44] In particular, the Exchange maintains that it expects to face significant competition from NYSE and Nasdaq for listings, and that comparable offerings of promotional services and listing ceremonies are already provided by NYSE.[45] Accordingly, the Commission believes that the proposed rule reflects the current competitive environment for exchange listings among national securities exchanges, and is appropriate and consistent with Section 6(b)(8) of the Act.[46]

[38] *See* Amendment No. 1, *supra* note 4, at 6.

[39] *See* Notice, *supra* note 3, at 84450.

[40] *See* Amendment No. 1, *supra* note 4, at 7.

[41] 15 U.S.C. 78f(b)(4).

[42] 15 U.S.C. 78f(b)(5).

[43] *See* Notice, *supra* note 3, at 84449 n.4.

[44] *See id.* at 84450.

[45] *See id.* at 84449 n.5; *id.* at 84450. *See also* NYSE Listed Company Manual Section 106.03.

[46] 15 U.S.C. 78f(b)(8).

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 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 No. SR–LTSE–2020–22 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 No. SR–LTSE–2020–22. The file numbers 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 such 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 publicly available. All submissions should refer to File No. SR–LTSE–2020–22 and should be submitted on or before March 2, 2021.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the amended proposal in the **Federal Register**. As discussed above, in Amendment No. 1, the Exchange clarified that: (i) The proposed promotional services and listing ceremonies will be offered to Companies on or around the time of listing, in connection with listing on the Exchange; and (ii) that the Exchange will offer comparable promotional services and listing ceremonies of comparable value to each listed Company. The Commission believes that these clarifications will help to ensure that individual listed Companies are not given specially negotiated packages of products and services to list or remain listed, as well as to ensure that the services are equitably allocated among issuers consistent with Section 6(b)(4) of the Act[47] and that the rule does not unfairly discriminate between issuers consistent with Section 6(b)(5) of the Act.[48] Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[49] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[50] that the proposed rule change (SR–LTSE–2020–22), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02592 Filed 2–8–21; 8:45 am]

BILLING CODE 8011–01–P

[47] 15 U.S.C. 78f(b)(4).

[48] 15 U.S.C. 78f(b)(5).

[49] 15 U.S.C. 78s(b)(2).

[50] 15 U.S.C. 78s(b)(2).

[51] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91053; File No. SR–CBOE–2021–010]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish a Policy Relating to Billing Errors

February 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 25, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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

Cboe Exchange, Inc. (''Cboe Options'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to establish a policy relating to billing errors. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[5]

The text of the proposed rule change is provided in Exhibit 5. The text of the proposed rule change is available on the Exchange's website at *http://markets.cboe.com/,* at the Exchange's principal office and at the Public Reference Room of the Commission.

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 Exchange 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 these 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 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 Footnote 7 of its fees schedule which relates to billing errors and fee disputes. Footnote 7 currently provides that that any potential billing errors relating to fees assessed by Cboe Options must be brought to the attention of Cboe Options' Accounting Department within three months from the invoice date. Additionally, all fees assessed shall be deemed final and non-refundable after three months from the invoice date. However, Footnote 7 further provides that the Exchange is not precluded from assessing fees more than three months after they were incurred if those fees were required to be paid pursuant to the Cboe Options Fee Schedule in effect at the time the fees were incurred. The Exchange proposes to eliminate the current language in Footnote 7 of the fees schedule and replace it with language recently adopted by its affiliated exchanges.[6] Particularly, the Exchange proposes to provide: ''All fees and rebates assessed prior to the three full calendar months before the month in which the Exchange becomes aware of a billing error shall be considered final. Any dispute concerning fees or rebates billed by the Exchange must be submitted to the Exchange in writing and must be accompanied by supporting documentation.''

The proposed language would result in all fees and rebates assessed prior to the three full calendar months before the month in which the Exchange becomes aware of a billing error to be considered final. Particularly, the Exchange will resolve an error by crediting or debiting Trading Permit Holders (''TPHs'') and Non-TPHs based on the fees or rebates that should have been applied in the three full calendar months preceding the month in which the Exchange became aware of the error, including to all impacted transactions that occurred during those months.[7] The Exchange will apply the three month look back regardless of whether the error was discovered by the Exchange or by a TPH or Non-TPH that submitted a fee dispute to the Exchange. The Exchange will continue to provide all disputes concerning fees and rebates assessed by the Exchange would have to be submitted to the Exchange in writing and accompanied by supporting documentation.

The Exchange notes that the proposed language continues to encourage TPHs and Non-TPHs to promptly review their Exchange invoices so that any disputed charges can be addressed in a timely manner. The Exchange notes that it provides TPHs with both daily and monthly fee reports and thus believes they should be aware of any potential billing errors within three months. Requiring that TPHs and Non-TPHs submit disputes in writing and provide supporting documentation encourages them to promptly review their invoices so that any disputed charges can be addressed in a timely manner while the information and data underlying those charges (*e.g.,* applicable fees and order information) is still easily and readily available. This practice will avoid issues that may arise when TPHs or Non-TPHs do not dispute an invoice in a timely manner and will conserve Exchange resources that would have to be expended to resolve untimely billing disputes. As such, the requirement continues to alleviate administrative burdens related to billing disputes, which could divert staff resources away from the Exchange's regulatory and business purposes. The proposed rule change to eliminate the requirement that the Exchange assess fees beyond three months if they were required to be assessed pursuant to the fees schedule at the time incurred (*i.e.,* all fees and rebates would be final after three months regardless of how far back a billing error occurred) would provide both the Exchange and TPHs and Non-TPHs finality and the ability to close their books after a known period of time.

The Exchange notes that a number of exchanges have explicitly stated that they consider all fees to be final after a similar period of time.[8] Additionally, several other exchanges have adopted similar provisions in their rules that provide for a process for their members and non-members to submit fee disputes.[9] Moreover, the proposed language is identical to the language recently adopted on the Exchange's

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.19b–4(f)(6)(iii).

[6] *See* SR–CboeBZX–2020–094; SR-CboeBYX–2020–034; SR-CboeEDGA–2020–032; SR-CboeEDGX–2020–064.

[7] For example, if the Exchange becomes aware of a transaction fee billing error on January 4, 2021, the Exchange will resolve the error by crediting or debiting Members based on the fees or rebates that should have been applied to any impacted transactions during October, November and December 2020. The Exchange notes that because it bills in arrears, the Exchange would be able to correct the error in advance of issuing the January 2021 invoice and therefore, transactions impacted through the date of discovery (in this example, January 4, 2021) and thereafter, would be billed correctly.

[8] *See e.g.* Securities Exchange Act Release No. 87650 (December 3, 2019), 84 FR 67304 (December 9, 2019) (SR–NYSECHX–2019–024); Securities Exchange Act Release No. 84430 (October 16, 2018), 83 FR 53347 (October 22, 2018) (SR–NYSENAT–2018–23); and Securities Exchange Act Release No. 79060 (October 6, 2016), 81 FR 70716 (October 13, 2016) (SR–ISEGemini–2016–11) .

[9] *See e.g.,* MEMX LLC, Rule 15.3, IEX Rule 15.120, Nasdaq Rule Equity 7, Section 70, Nasdaq BX Rule Equity 7, Section 111, and Nasdaq PHLX Rule Equity 7, Section 2.

affiliated exchanges.[10] As such, the proposed change will also harmonize and conform the Exchange's billing practices with that of its affiliated exchanges. The proposed billing policy will apply to all charges and rebates reflected in the Exchange's fees schedules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be 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 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

With respect to the proposed language regarding the billing procedure, the Exchange believes continuing to require the submission of all billing disputes in writing, and with supporting documentation is reasonable because the Exchange provides TPHs with ample tools to monitor and account for various charges incurred in a given month. Additionally, the Exchange notes that most TPHs and Non-TPHs that pay exchange fees are sophisticated entities, so it is appropriate to expect them to promptly review their invoices for errors and to be capable of identifying such errors. The proposed provision also continues to promote the protection of investors and the public interest by providing a clear and concise mechanism for TPH and Non-TPHs to dispute fees and for the Exchange to review such disputes in a timely manner. Moreover, the proposed billing dispute language, which lowers the Exchange's administrative burden, is similar to billing dispute language of other exchanges, and the same as the Exchange's affiliates.[14] In addition, the billing procedure is fair, equitable, and not unfairly discriminatory because it will apply equally to all TPHs (and Non-TPHs that pay Exchange fees).

The Exchange also believes that providing that all fees and rebates are final after three months (*i.e.,* always resolving billing errors only for the three full calendar months preceding the month in which the Exchange became aware of the error), is reasonable as both the Exchange and TPHs and Non-TPHs have an interest in knowing when its fee assessments are final and when reliance can be placed on those assessments. Indeed, without some deadline on billing errors, the Exchange and TPHs and Non-TPHs would never be able to close their books with any confidence. Furthermore, as noted above, a number of Exchanges similarly consider their fees final after a similar period of time.[15] The proposed change is also equitable, and not unfairly discriminatory because it will apply equally to all TPHs (and Non-TPHs that pay Exchange fees) and apply in cases where either the TPH (or Non-TPH) discovers the error or the Exchange discovers the error. Lastly, the proposed changes to the fees schedule will align the Exchange's billing practices with those of its affiliated exchanges.

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 competition that is not necessary or appropriate in furtherance of the purposes of the Act. With respect to the billing procedure and billing error policy, the proposed rule change would provide a clear process that would apply equally to all TPHs. Additionally, the proposed rule change is similar to rules of other exchanges. The Exchange does not believe such proposed changes would impair the ability of TPHs or competing order execution venues to maintain their competitive standing in the financial markets. Moreover, because the proposed changes would apply equally to all TPHs, the proposal does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) [17] thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay.[18] The Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because waiver of the operative delay will allow the Exchange to provide a clear process for billing errors and fee disputes without delay. Moreover, the proposed rule changes are comparable to other policies and practices established by other exchanges and therefore does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[19]

At any time within 60 days of the filing of the 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 will institute proceedings to determine whether the proposed rule 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:

[10] *See* supra note 6.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] *See supra* notes 6 and 9.

[15] *See supra* notes 6 and 8.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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–CBOE–2021–010 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–CBOE–2021–010. 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; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–010 and should be submitted on or before March 2, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

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[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91048; File No. SR–NYSE–2021–09]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 907.00 of the Manual

February 3, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on January 26, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II 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 Section 907.00 of the Manual to clarify the application of that rule. 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 907.00 of the Manual sets forth complimentary products and services that issuers are entitled to receive in connection with their NYSE listing. The Exchange offers certain complimentary products and services and access to discounted third-party products and services through the NYSE Market Access Center to listed issuers. The Exchange also provides complimentary market surveillance products and services (with a commercial value of approximately $55,000 annually), Web-hosting products and services (with a commercial value of approximately $16,000 annually), web-casting services (with a commercial value of approximately $6,500 annually), market analytics products and services (with a commercial value of approximately $30,000 annually), and news distribution products and services (with a commercial value of approximately $20,000 annually) to Eligible New Listings[4] and Eligible Transfer Companies[5] based on the following tiers:[6]

Tier A: For Eligible New Listings and Eligible Transfer Companies with a global market value of $400 million or more, in each case calculated as of the date of listing on the Exchange, the Exchange offers market surveillance, market analytics, web-hosting, webcasting, and news distribution products and services.

Tier B: For Eligible New Listings and Eligible Transfer Companies with a global market value of less than $400 million, in each case calculated as of the date of listing on the Exchange, the Exchange offers Web-hosting, market analytics, web-casting, and news distribution products and services.

On January 11, 2021, the Commission approved the Exchange's proposal to provide all the additional complimentary products and services described above to Eligible New Listings

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For the purposes of Section 907.00, the term ''Eligible New Listing'' means (i) any U.S. company that lists common stock on the Exchange for the first time and any non-U.S. company that lists an equity security on the Exchange under Section 102.01 or 103.00 of the Manual for the first time, regardless of whether such U.S. or non-U.S. company conducts an offering and (ii) any U.S. or non-U.S. company emerging from a bankruptcy, spinoff (where a company lists new shares in the absence of a public offering), and carve-out (where a company carves out a business line or division, which then conducts a separate initial public offering).

[5] For purposes of Section 907.00, the term ''Eligible Transfer Company'' means any U.S. or non-U.S. company that transfers its listing of common stock or equity securities, respectively, to the Exchange from another national securities exchange. For purposes of Section 907.00, an ''equity security'' means common stock or common share equivalents such as ordinary shares, New York shares, global shares, American Depository Receipts, or Global Depository Receipts.

[6] Section 907.00 provides for separate service entitlements for Acquisition Companies listed under Section 102.06 and the issuers of Equity Investment Tracking Stocks listed under Section 102.07.

and Eligible Transfer Companies for a period of 48 months.[7] Eligible New Listings and Eligible Transfer Companies that listed on the Exchange prior to January 11, 2021 are not entitled to receive such services for 48 months, but instead for the shorter period of 24 months under the prior version of the rule applicable when they listed on the Exchange. As the Exchange stated in SR–NYSE–2020–94, ''[t]he proposed amendment would be applicable to Eligible New Listings and Eligible Transfer Companies that list on or after the date of SEC approval of the proposal.'' [8] The Exchange now proposes to add text to Section 907.00 to make it clear that only Eligible New Listings and Eligible Transfer Companies that list on or after January 11, 2021 are entitled to receive these services for a period of 48 months, while Eligible New Listings and Eligible Transfer Companies that listed before that date are entitled to receive such services for a period of 24 months. The Exchange believes this clarification is appropriate to avoid any confusion by making the rule text explicit.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'') generally.[9] Section 6(b)(5) [10] of the Act requires, among other things, that exchange rules promote just and equitable principles of trade and that they are not designed to permit unfair discrimination between issuers, brokers or dealers. The Exchange believes that the proposal is designed to promote just and equitable principles of trade, as it provides clarification and transparency in the text of Section 907.00 as to how that rule is applied to Eligible New Listings and Eligible Transfers that listed prior to the most recent amendment to that rule, without changing the substance of that application in any way.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the proposal is designed to clarify rule text and provide transparency in a manner consistent with a previously approved rule amendment and does not result in any substantive change in the application of the rule. The proposal is therefore non substantive in nature and the Exchange does not believe it imposes any burden on competition.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6)(iii) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately provide clarification and transparency in the text of Section 907.00 as to how that rule is applied to Eligible New Listings and Eligible Transfers that listed prior to the implementation of the most recent amendment to Section 907.00.[17] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[18]

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) [19] of the Act to determine whether the proposed rule 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–2021–09 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–2021–09. 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

[7] *See* Securities Exchange Act Release No. 90893 (January 11, 2021) (SR–NYSE–2020–94).

[8] *See* Securities Exchange Act Release No. 90466 (November 20, 2020), 85 FR 76129, note 2 at 76129.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See supra* note 7.

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78s(b)(2)(B).

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–2021–09, and should be submitted on or before March 2, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02589 Filed 2–8–21; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91055; File No. SR–NASDAQ–2020–027]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Withdrawal of Proposed Rule Change To Apply Additional Initial Listing Criteria for Companies Primarily Operating in Restrictive Markets

February 3, 2021.

On May 29, 2020, The Nasdaq Stock Market LLC (''Exchange'') 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 apply additional initial listing criteria for companies primarily operating in a jurisdiction that has secrecy laws, blocking statutes, national security laws or other laws or regulations restricting access to information by regulators of U.S.-listed companies in such jurisdiction. The proposed rule change was published for comment in the **Federal Register** on June 12, 2020.[3]

On July 21, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On September 9, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.[7] On December 3, 2020, the Commission extended the period for consideration of the proposed rule change to February 7, 2021.[8]

On February 1, 2021, the Exchange withdrew the proposed rule change (SR–NASDAQ–2020–027).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02593 Filed 2–8–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89027 (June 8, 2020), 85 FR 35962. Comments on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-nasdaq-2020-027/srnasdaq2020027.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89358, 85 FR 45275 (July 27, 2020). The Commission designated September 10, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 89799, 85 FR 57282 (September 15, 2020).

[8] *See* Securities Exchange Act Release No. 90559, 85 FR 79249 (December 9, 2020).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91047; File No. SR–FINRA–2021–002]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Private Placement Filer Form Under FINRA Rules 5122 and 5123

February 3, 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 27, 2021, the Financial Industry Regulatory Authority, Inc. (''FINRA) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing changes to the Private Placement Filer Form (''Filer Form'') that members complete when submitting private placement filings under FINRA Rules 5122 (Private Placements of Securities Issued by Members) or 5123 (Private Placements of Securities). The proposal does not make any changes to the text of FINRA rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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 these statements may be examined at the places specified in Item IV below. FINRA 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

Rules 5122 and 5123 require a FINRA member to file information regarding private placements in which the member participates.[4] When Rule 5123

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b-4(f)(6). Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

[4] Both Rules 5122 and 5123 provide exemptions from the filing requirement when certain types of securities are sold or securities are sold to certain types of investors. *See* Rules 5122(c) and 5123(b).

became effective on December 3, 2012,[5] FINRA required members to use the Filer Form for filings under both rules.[6] Members submit the Filer Form and relevant offering documents to FINRA through the FINRA Gateway.[7] On July 1, 2013, FINRA amended Rule 5123 to require members to file the requisite information ''in a manner prescribed by FINRA'' and also began using an updated version of the Filer Form.[8] On May 22, 2017, FINRA began using a further updated Filer Form.[9] The changes proposed herein would update the version of the Filer Form that has been in use since May 2017 for filings made pursuant to Rule 5122 and Rule 5123.

The proposed changes would represent the fourth version of the Filer Form since Rule 5123 became effective in 2012. Updates to the Filer Form would assist FINRA in fulfilling its regulatory responsibilities by improving the quality of information that is filed with it about the private placement and the member's role in offering the securities. Specifically, FINRA proposes to clarify questions that may have been unclear to members, and add other questions that, with the benefit of experience, FINRA believes would help it better understand the issues and potential risks associated with a private placement.

The Filer Form has three main components: (1) The ''Participating Member Information'' section, which seeks information about the members that are selling the private placement; (2) the ''Issuer Information'' section, which captures basic information about the issuer; and (3) the ''Offering Information'' section, which seeks information about the offering.[10]

FINRA proposes changes to the Filer Form that would add or clarify questions or other information requested in the Offering Information section. The benefit to members and FINRA would be twofold. When a FINRA review of the submitted Filer Form identifies a potential concern or a need for additional information, it typically leads to follow-up questions by FINRA staff. These inquiries absorb members' and FINRA's resources. The proposed changes to the Filer Form would provide more focused and complete information that, in many cases, would obviate the need for these follow-up inquiries. In addition, the proposed changes would enable FINRA to get better information about those issues in private placement transactions that have presented the most risk in disciplinary cases.

The proposed changes address three key categories of offering information that can benefit from more focused or complete information in the Offering Information section of the Filer Form: (i) Contingency offerings; (ii) the disciplinary history of the issuer, its principals and related parties; and (iii) the use of proceeds.

FINRA also proposes to add a new question regarding FINRA Rule 3280 (Private Securities Transactions of an Associated Person). In addition, FINRA proposes updates to existing questions regarding the member's date of first sale or offer, the Securities Act registration exemptions that apply and what type of documents are being filed with FINRA.

The Filer Form does not set standards of disclosure or information gathering requirements for members that participate in private placements.[11] Rather, the information provided by members on the Filer Form assists FINRA in focusing its review on the areas of heightened concern in the private placement market. Based on a review of private placement enforcement actions from 2016 to 2018, FINRA found frequent violations resulting from improper contingency arrangements,[12] inadequate investigations concerning disciplinary history[13] and the issuer's intended use of proceeds,[14] and private offerings sold by associated persons away from their firm without proper authorization and oversight.[15]

The proposed Filer Form changes would help address these concerns and streamline the existing information collection procedure that FINRA relies on to fulfill its regulatory responsibility related to private placements.

The questions in the Offering Information section of the Filer Form can generally be answered either by: (i) Inputting requested information or responding ''unknown''; or (ii) checking one of three ''radio buttons'' for ''yes,'' ''no,'' or ''unknown.'' The proposed changes to the Filer Form would not alter this general approach. Members would continue to have the option to respond ''unknown'' to each proposed new or revised question or request for information. Therefore, the Filer Form, as proposed to be modified, would not impose any new obligation on members to seek out information that they do not

[5] *See* Securities Exchange Act Release No. 67157 (June 7, 2012), 77 FR 35457 (June 13, 2012) (Notice of Filing of Amendments No. 2 and No. 3 and Order Granting Accelerated Approval of File No. SR–FINRA–2011–057); *Regulatory Notice* 12–40 (September 2012).

[6] *See Regulatory Notice* 12–40 (September 2012). *See also Regulatory Notice* 13–26 (August 2013); Securities Exchange Act Release No. 69843 (June 25, 2013), 78 FR 39367 (July 1, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Members' Filing Obligations Under FINRA Rule 5123 (Private Placements of Securities) File No. SR–FINRA–2013–026).

[7] FINRA Gateway is an online compliance tool that provides consolidated access to FINRA applications and allows members to submit required filings electronically to meet their compliance and regulatory obligations.

[8] *See Regulatory Notice* 13–26 (August 2013) and Securities Exchange Act Release No. 69843 (June 25, 2013), 78 FR 39367 (July 1, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Members' Filing Obligations Under FINRA Rule 5123 (Private Placements of Securities) File No. SR–FINRA–2013–026).

[9] *See Regulatory Notice* 17–17 (April 2017) and Securities Exchange Act Release No. 80321 (March 28, 2017), 82 FR 16245 (April 3, 2017) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Private Placement Filer Form Under FINRA Rules 5122 and 5123 File No. SR–FINRA–2017–008).

[10] FINRA staff also monitor SEC and FINRA disciplinary actions involving private placements. This monitoring enables FINRA to identify issues that frequently occur in private placements.

[11] The scope of a member's obligations to conduct a reasonable investigation of a private placement is addressed in *Regulatory Notice* 10–22 (April 2010). FINRA Rules 5122 and 5123 and the Filer Form do not impose any additional requirement of reasonable investigation beyond what is discussed in that *Notice.*

[12] FINRA has found that members failed to safeguard investor funds in offerings that were subject to certain conditions to close or failed to return funds to investors as required when the issuer made material changes to the terms of the contingency or offering. *See, e.g., McDonald Partners LLC,* FINRA AWC No. 2015043649601 (February 21, 2018); *Financial America Securities, Inc.,* FINRA AWC No. 2014042711601 (May 26, 2016); *Dawson James Securities, Inc.,* FINRA AWC No. 2015044393901 (February 07, 2017); *TerraNova Capital Equities, Inc.,* FINRA AWC No. 2015047958301 (December 21, 2017).

[13] In recent cases, including those involving fraud, FINRA has found that members did not meet their obligation to conduct a reasonable investigation of the offering when they failed to identify or follow up on areas of heightened concern regarding the background of the issuer, its principals, or related parties. *See, e.g., First American Securities, Inc.,* FINRA AWC No. 2015046056405 (November 7, 2016); *Richard Gomez,* FINRA NAC Decision No. 2011030293503 (March 28, 2018); *Carolina Financial Securities, LLC and Bruce V. Roberts,* FINRA OHO Decision No. 2014040295201 (May 26, 2017).

[14] In recent cases, including those involving fraud, FINRA has found that members did not meet their obligation to conduct a reasonable investigation of the offering when they failed to review or follow up on areas of heightened concern regarding related party transactions or the issuer's intended use of proceeds. *See, e.g., Harold Lee Connell,* FINRA AWC No. 2016051493702 (June 12, 2018); *Carolina Financial Securities, LLC and Bruce V. Roberts,* FINRA OHO Decision No. 2014040295201 (May 26, 2017); *Bridge Capital Associates, Inc.,* FINRA AWC No. 2014039283801 (December 12, 2016).

[15] *See, e.g., First American Securities, Inc.,* FINRA AWC No. 2015046056405 (November 7, 2016); *Richard Gomez,* FINRA NAC Decision No. 2011030293503 (March 28, 2018); *Ahmed Ghassan Gheith,* FINRA AWC No. 2016052540603 (April 24, 2018); *Brandon D. Gioffre,* FINRA AWC No. 2015046448701 (June 23, 2016).

already have.[16] FINRA also notes that the Filer Form provides (and would continue to provide) a free text box at the end of the form for members that wish to clarify their answers or add other relevant information with regard to particular questions or requests for information.

Contingency Offerings

The proposed changes to the Offering Information section would add and clarify several questions regarding contingency offerings;[17] FINRA continues to observe numerous instances of non-compliance with this type of offering.[18] The Filer Form today asks if the contingency has been met at the time of filing. The proposed changes to the Filer Form would add three additional questions/requests if the offering is a contingency offering, each with the option to respond ''unknown'': (1) A request for the member to provide the date by which the contingency must be met; (2) a question asking if there have been any changes to the original terms of the contingency during the course of the offering (*e.g.,* extension of the date by which the contingency must be met);[19] and (3) a question regarding whether ''the subscription process involves your firm receiving or transmitting investor funds in the offering''. This last question would provide FINRA with transparency regarding whether the broker-dealer is subject to the requirements for handling funds under SEA Rule 15c2–4.[20] If the member responds ''yes'' to this last question, the Filer Form would ask if ''your firm is acting as the agent or trustee for investor funds until the contingency is met.'' The terms ''agent or trustee'' are used in SEA Rule 15c2–4, which governs the manner in which a member must handle investors' funds in a contingency offering. If the member responds ''yes'' or ''unknown'' there would be no more questions. If the member responds ''no,'' the Filer Form would require the member to provide the name of the escrow agent in a free text box or respond ''unknown.''

Disciplinary History

The Offering Information section also would be revised to add questions regarding disciplinary history. Currently, the Filer Form asks whether the issuer, any officer, director or executive management of the issuer, sponsor, general partner, manager, advisor, or any of the issuer's affiliates has been the subject of SEC, FINRA or state disciplinary actions or proceedings or criminal complaints within the last 10 years. The proposed revisions to the Filer Form would change the current question to also inquire about ''other federal agency'' disciplinary actions (in addition to SEC, FINRA and state disciplinary actions or proceedings or criminal complaints) within the last 10 years. If the member responds ''yes'' to the revised question, the Filer Form would request the identification of the individual or entity that was the subject of such action or allow the member to respond ''unknown.'' For each identified entry, the proposed revisions to the Filer Form would first ask whether the individual or entity has registration records in the Central Registration Depository (''CRD®''). If the member responds ''yes'' to the CRD question, then the member would enter the name of the individual or entity with no more questions.[21] If instead the member responds ''no'' or ''unknown'' to the CRD question, the Filer Form would request that the member provide the name of the individual or entity with the disciplinary history or respond ''unknown.'' If the member provides the name of the entity or individual with the disciplinary history, the Filer Form's next requests would be for three pieces of information, each of which includes the option to select ''unknown'': (1) The type of action or proceeding (that may be selected from a drop down box); (2) the approximate year that the event was initiated; and (3) the status of the event (that may be selected from a list of options provided in a drop down box). While the information requested in these three questions would assist FINRA's review of an area of concern, FINRA recognizes that by providing the unknown option, it is possible that some members may not possess definitive information needed to answer the questions. If the member responds ''unknown'' when requested to provide the name of the entity or individual with the disciplinary history, there are no more questions.

Use of Proceeds

The Offering Information section would be revised to include a reformulation of the existing request for information regarding the use of the offering proceeds. Currently, the Filer Form asks whether the issuer is ''able to'' use offering proceeds to make or repay loans to, or purchase assets from any officer, director or executive management of the issuer, sponsor, general partner, manager, advisor or any of the issuer's affiliates. The proposed changes to the Filer Form would re-formulate the current question by asking whether the issuer ''intends to'' use (rather than is ''able to'' use)[22] offering proceeds to make or repay loans to, or purchase assets from, the listed persons. The proposed changes to the Filer Form also would expand the scope of the current question by asking whether the issuer intends to ''otherwise direct investor proceeds'' to the listed persons. The question would retain the option to respond ''unknown.'' If the member responds ''yes'' to this question despite the option to respond ''unknown,'' the proposed changes to the Filer Form would add a request for the member to identify the type(s) of payment(s) and the approximate dollar amount, and would provide the option to respond ''unknown.''

Private Securities Transactions

The Offering Information section would be revised to add a question regarding identification of private securities transactions. FINRA seeks to have more information regarding how frequently private offerings are sold by

[16] The Filer Form provides that the member submitting the filing must answer the questions ''[b]ased on the information contained in the offering document (or if otherwise known by your firm).''

[17] For purposes of the Filer Form, a contingency offering is a private placement in which the closing or sale of securities in the private placement is contingent on an event or condition, typically the receipt of orders for a minimum aggregate dollar amount or number of securities by an expiration date. Members participating in contingency offerings must understand and comply with the requirements of SEA Rules 10b–9 and 15c2–4. *See* Private Placement FAQ #1 under the heading ''Filing Form'' available on the *finra.org* website.

[18] *See Regulatory Notice* 16–08 (February 2016). FINRA's review of securities offering documents has revealed instances in which broker-dealers have not complied with the contingency offering requirements of SEA Rules 10b–9 and 15c2–4. In the *Notice,* FINRA provided guidance regarding the requirements of SEA Rules 10b–9 and 15c2–4 and reminded broker-dealers of their responsibility to have procedures reasonably designed to achieve compliance with these rules.

[19] As noted, the member submitting the Filer Form must answer the questions ''[b]ased on the information contained in the offering document (or if otherwise known by your firm).'' The member may provide further information in the free text box at the end of the Filer Form.

[20] Rule 15c2–4 requires that upon receiving money or other consideration from an investor in a contingency offering, a broker-dealer must promptly either (1) deposit those funds into ''a separate bank account'' for which the broker-dealer is the account holder and is designated as agent or trustee; or (2) transmit those funds to a bank that has agreed in writing to act as the escrow agent for the offering.

[21] Using the ''CRD lookup'' function, the member selects whether the subject is an individual or entity, then enters either the name or CRD number and selects the appropriate result to generate the name and CRD number in the Filer Form.

[22] The replacement of ''able to use'' with ''intends to use'' is meant to clarify the question, which seeks information about the member's understanding of the issuer's intended use of proceeds. It would not constitute a substantive change to the information required by the Filer Form.

associated persons away from their firm. The proposed changes to the Filer Form would ask ''if your firm is filing an offering that your associated person is selling in a private securities transaction subject to FINRA Rule 3280''.[23] The member may respond ''yes'', ''no'' or ''unknown.''

Information Clarification and Accuracy Improvement

Finally, FINRA proposes minor changes to three existing questions in the Offering Information section of the Filer Form in order to clarify the information requested and improve the accuracy of responses. The first proposed change is to the current questions concerning the member's date of first sale or offer, which FINRA relies upon to assess the timeliness of the filings. For Rule 5123 filings, the current Filer Form requests that the member provide the date of its first sale in the offering (by way of a calendar box) or respond ''unknown,'' and separately instructs the member to check a box if sales have yet to commence. These questions would be replaced with ''Has your firm commenced sales of the offering?'' The member may respond ''yes,'' ''no,'' or ''unknown.'' If the member has answered ''yes'' that it commenced sales, the Filer Form would request that the member enter the date of first sale or respond ''unknown.'' Likewise, for Rule 5122 filings, the current Filer Form requests that the member provide the date of first offer (by way of a calendar box) or respond ''unknown,'' and separately instructs the member to check a box if sales have yet to commence. These questions would be replaced with ''Has your firm made any offers for the private placement or otherwise provided the offering documents to any investor?'' As with the Rule 5123 filings, the member may respond ''yes,'' ''no,'' or ''unknown.'' If the member has answered ''yes,'' the Filer Form would request the member enter the date of first offer or provision of offering documents to any investor or respond ''unknown.''

Second, the proposed changes to the Offering Information section would update the options that a member may select when answering what exemption from registration the issuer is relying upon. The current question allows the member to select Rule 505. Rule 505 was repealed in 2016 and is no longer an available exemption; therefore, the Filer Form would remove that option.[24]

Third, the proposed changes to the Filer Form would amend the process by which the member uploads offering documents that it used in connection with the sale of the offering. For each document the member uploads, the Filer Form would request that the member identify the type of document by selecting an option from a drop down box (*e.g.,* private placement memorandum or term sheet) with an option to identify the document as ''other'' and the option to select multiple types of documents (*e.g.,* indicate that the document is a term sheet and a private placement memorandum).

Conclusion

As noted above, the proposed revisions to the Filer Form would assist FINRA in fulfilling its regulatory responsibilities by improving the quality of information that is filed with it about the private placement and the member's role in offering the securities. Specifically, FINRA proposes to clarify questions that may have been unclear to members, and add other questions that, with the benefit of experience, FINRA believes would help it better understand the issues and potential risks associated with a private placement (*e.g.,* an offering with an unmet contingency, an issuer with disciplinary history or associated persons' selling private offerings away from their firms). In addition, the proposed new questions should in many cases obviate the need for follow-up questions after filing and would therefore streamline the existing information collection procedure that FINRA relies on to fulfil its regulatory responsibilities related to private placements.

FINRA has filed the proposed changes for immediate effectiveness. FINRA anticipates that the implementation date will be May 22, 2021.

2. Statutory Basis

FINRA believes that the proposed changes to the Filer Form are consistent with the provisions of Section 15A(b)(6) of the Act,[25] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, in that it will assist in FINRA's efforts to detect and prevent fraud in connection with specified private placements. In addition, the proposed changes would assist FINRA in evaluating the specified private placement activities of members and assess whether members are conducting a reasonable investigation and whether members are complying with private placement obligations including regarding contingency offerings for private placement offerings in which they participate.

B. Self-Regulatory Organization's Statement on Burden on Competition Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the regulatory need for the proposed changes, their potential economic impacts, including anticipated costs, benefits, and competitive effects, relative to the current baseline, and the alternatives FINRA considered in assessing how best to meet FINRA's regulatory objectives.

Regulatory Need

The proposed Filer Form changes are intended to streamline the existing information collection procedure in fulfilling FINRA's regulatory responsibility related to private placements. In particular, in connection with its review of submitted Filer Forms, FINRA spends significant time and resources in making follow-up inquiries to members in areas of heightened concern, including terms of contingency offerings, disciplinary history, and use of proceeds after members submit the Filer Form. Constraints of regulatory resources in this process may lead to unnecessary or prolonged reviews and investigations, thereby imposing extra costs and regulatory uncertainty for members.[26] These constraints may even hinder FINRA's ability to detect fraudulent acts and practices in an accurate and timely manner.

Economic Baseline

The economic baseline for the proposed changes is the current Filer Form under FINRA Rules 5122 and 5123, and FINRA's existing private placement regulatory procedure. FINRA has collected information detailing

[23] FINRA Rule 3280 (Private Securities Transactions of an Associated Person) requires, prior to participating in any private securities transaction, an associated person to provide written notice to the member with which he is associated describing in detail the proposed transaction and the person's proposed role therein, including if compensation will be received. In the case of a transaction in which the associated person may receive selling compensation, that transaction must be approved in writing by the member.

[24] *See* Securities Act Release No. 10238 (October 26, 2016), 81 FR 83494 (November 21, 2016).

[25] 15 U.S.C. 78*o*–3(b)(6).

[26] The private placement filing requirement is a notice filing only and members do not wait for approval from FINRA in connection with a private placement. If FINRA asks questions of the member in response to its filing, the member may become concerned that there may be a potential compliance issue with the private placement.

2,353 private placement filings submitted by 394 members with initial filing dates between May 1, 2019 and May 1, 2020. The average (maximum) number of filings per member is 6 (157) during the period.[27] Of the 2,353 filings, 48% provided ''yes'' answers to at least one of the three existing questions identifying whether the filing relates to a contingency offering; whether the issuer, its principals or related parties have disciplinary histories; and whether offering proceeds may be used by the issuer or related parties for certain identified purposes.[28]

According to the current regulatory procedure, FINRA reviews the information provided in the Filer Form along with other data to determine the risk profile of a private placement through its triage program. In the case in which an offering receives a high-risk assessment, FINRA initiates a further review and gathers details about the private placement. FINRA also frequently conducts informational inquiries to members if a review raises further concern and leads to a FINRA investigation. Because of the time and resources needed to respond, these regulatory inquiries can be costly to members. These inquiries also tend to require significant regulatory resources, cause delays in FINRA reviews and investigations, and impose extra communication costs and regulatory uncertainty on members after the filing process.

Economic Impacts

The proposal would add questions in the Filer Form with the option to answer ''unknown'' pertaining to the issues of heightened concern including contingency offerings, disciplinary history, use of proceeds, and private offerings sold by associated persons away from their firms.[29] In cases where members choose to provide additional information, the further questions or requests for information at the outset would shift the responsibility of information collection on the key issues from FINRA (after the filing) to these members (upon filing). FINRA believes that these members already know the requested information and accordingly would have no increases in relevant costs of information collection or would face relatively low costs of information collection if they do not already know the requested information and perform additional investigation to determine it, instead of answering ''unknown.'' Subsequent regulatory inquiries to obtain such information based on the existing Filer Form, in comparison, could require significant FINRA resources and impose higher costs and regulatory uncertainty on these members. The proposal could therefore reduce information collection costs as a whole for FINRA and members by avoiding regulatory inquiries to obtain the information requested in the new proposed questions, and thereby streamlining the regulatory process.

The proposal would also help FINRA better understand the scope and severity of existing high-risk matters in private placements. By allowing access to additional information in areas of heightened concern, the proposal would assist FINRA in refining its triage program, thereby extending its ability to assess risk profiles and detect fraudulent and manipulative acts and practices in these areas. FINRA believes that members may likely benefit from fewer unnecessary reviews and shortened review and investigation cycles due to a streamlined regulatory process and enhanced regulatory insights. The proposal's benefits, however, may vary depending on how frequently additional information is provided rather than ''unknown'' responses to the new questions in the Filer Form following the proposal.

The proposed amendments could minimally increase the costs of collecting and providing additional information for members who answer ''yes'' to one of the three existing questions regarding contingency offerings, the disciplinary history of the issuer, its principals and related parties, and the use of proceeds. FINRA believes that this cost increase to members, however, is relatively low overall compared with the benefit they would receive from reduced regulatory communication costs and uncertainty. In addition, members that would choose to provide ''unknown'' answers to each new question would not be subject to such a cost increase. FINRA does not expect cost increases will deter member entry to the industry or private placement offerings or result in any significant burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

Alternatives Considered

An alternative considered by FINRA was to prohibit ''unknown'' responses in the Filer Form. This alternative may lead to greater benefit, for example, from efficiencies in regulatory procedure and enhanced regulatory insights into high-risk matters. However, FINRA believes that the alternative would pose higher information collection costs on members. The proposal, therefore, permits ''unknown'' responses. Members may, however, choose to expend effort and incur associated costs with collecting and reporting additional information.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[30] and Rule 19b–4(f)(6) thereunder.[31]

At any time within 60 days of the filing of the 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 to determine whether the proposed rule 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–FINRA–2021–002 on the subject line.

[27] Among the filing members, 70% of them are frequent filers who had also filed at least one private placement filing during the period of May 1, 2018 and May 1, 2019.

[28] The rest of the filings provided either ''no'' or ''unknown'' answers to these questions.

[29] As mentioned earlier, the proposal would also make minor changes to clarify existing questions and improve the accuracy of responses in the Filer Form.

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(6).

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–FINRA–2021–002. 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 such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2021–002 and should be submitted on or before March 2, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02588 Filed 2–8–21; 8:45 am]

BILLING CODE 8011–01–P

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91049; File No. SR–C2–2021–002]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish a Policy Relating to Billing Errors

February 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 22, 2021, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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

Cboe C2 Exchange, Inc. (''C2'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to establish a policy relating to billing errors. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[5]

The text of the proposed rule change is provided in Exhibit 5. The text of the proposed rule change is available on the Exchange's website at *http://markets.cboe.com/,* at the Exchange's principal office and at the Public Reference Room of the Commission.

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 Exchange 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 these 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 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 a provision of its fees schedule which relates to billing errors and fee disputes. The Exchange currently provides that that any potential billing errors relating to fees assessed by C2 must be brought to the attention of C2's Accounting Department within three months from the invoice date. Additionally, all fees assessed shall be deemed final and non-refundable after three months from the invoice date. However, the fees schedule further provides that the Exchange is not precluded from assessing fees more than three months after they were incurred if those fees were required to be paid pursuant to the C2 Fee Schedule in effect at the time the fees were incurred. The Exchange proposes to eliminate the current language in the fees schedule and replace it with language recently adopted by its affiliated exchanges.[6] Particularly, the Exchange proposes to provide: ''All fees and rebates assessed prior to the three full calendar months before the month in which the Exchange becomes aware of a billing error shall be considered final. Any dispute concerning fees or rebates billed by the Exchange must be submitted to the Exchange in writing and must be accompanied by supporting documentation.''[7]

The proposed language would result in all fees and rebates assessed prior to the three full calendar months before the month in which the Exchange becomes aware of a billing error to be considered final. Particularly, the Exchange will resolve an error by crediting or debiting Trading Permit Holders (''TPHs'') and Non-TPHs based on the fees or rebates that should have been applied in the three full calendar months preceding the month in which the Exchange became aware of the error, including to all impacted transactions

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.19b–4(f)(6)(iii).

[6] *See* SR–CboeBZX–2020–094; SR–CboeBYX–2020–034; SR–CboeEDGA–2020–032; SR–CboeEDGX–2020–064.

[7] The current language relating to billing errors and fee disputes is located at the end of the fees schedule. The Exchange proposes to relocate the new language relating to billing errors and fee disputes to the top of the fees schedule.

that occurred during those months.[8] The Exchange will apply the three month look back regardless of whether the error was discovered by the Exchange or by a TPH or Non-TPH that submitted a fee dispute to the Exchange. The Exchange will continue to provide all disputes concerning fees and rebates assessed by the Exchange would have to be submitted to the Exchange in writing and accompanied by supporting documentation.

The Exchange notes that the proposed language continues to encourage TPHs and Non-TPHs to promptly review their Exchange invoices so that any disputed charges can be addressed in a timely manner. The Exchange notes that it provides TPHs with both daily and monthly fee reports and thus believes they should be aware of any potential billing errors within three months. Requiring that TPHs and Non-TPHs submit disputes in writing and provide supporting documentation encourages them to promptly review their invoices so that any disputed charges can be addressed in a timely manner while the information and data underlying those charges (*e.g.,* applicable fees and order information) is still easily and readily available. This practice will avoid issues that may arise when TPHs or Non-TPHs do not dispute an invoice in a timely manner and will conserve Exchange resources that would have to be expended to resolve untimely billing disputes. As such, the requirement continues to alleviate administrative burdens related to billing disputes, which could divert staff resources away from the Exchange's regulatory and business purposes. The proposed rule change to eliminate the requirement that the Exchange assess fees beyond three months if they were required to be assessed pursuant to the fees schedule at the time incurred (*i.e.,* all fees and rebates would be final after three months regardless of how far back a billing error occurred) would provide both the Exchange and TPHs and Non-TPHs finality and the ability to close their books after a known period of time.

The Exchange notes that a number of exchanges have explicitly stated that they consider all fees to be final after a similar period of time.[9] Additionally, several other exchanges have adopted similar provisions in their rules that provide for a process for their members and non-members to submit fee disputes.[10] Moreover, the proposed language is identical to the language recently adopted on the Exchange's affiliated exchanges.[11] As such, the proposed change will also harmonize and conform the Exchange's billing practices with that of its affiliated exchanges. The proposed billing policy will apply to all charges and rebates reflected in the Exchange's fees schedules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be 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 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

With respect to the proposed language regarding the billing procedure, the Exchange believes continuing to require the submission of all billing disputes in writing, and with supporting documentation is reasonable because the Exchange provides TPHs with ample tools to monitor and account for various charges incurred in a given month. Additionally, the Exchange notes that most TPHs and Non-TPHs that pay exchange fees are sophisticated entities, so it is appropriate to expect them to promptly review their invoices for errors and to be capable of identifying such errors. The proposed provision also continues to promote the protection of investors and the public interest by providing a clear and concise mechanism for TPH and Non-TPHs to dispute fees and for the Exchange to review such disputes in a timely manner. Moreover, the proposed billing dispute language, which lowers the Exchange's administrative burden, is similar to billing dispute language of other exchanges, and the same as the Exchange's affiliates.[15] In addition, the billing procedure is fair, equitable, and not unfairly discriminatory because it will apply equally to all TPHs (and Non-TPHs that pay Exchange fees).

The Exchange also believes that providing that all fees and rebates are final after three months (*i.e.,* always resolving billing errors only for the three full calendar months preceding the month in which the Exchange became aware of the error), is reasonable as both the Exchange and TPHs and Non-TPHs have an interest in knowing when its fee assessments are final and when reliance can be placed on those assessments. Indeed, without some deadline on billing errors, the Exchange and TPHs and Non-TPHs would never be able to close their books with any confidence. Furthermore, as noted above, a number of Exchanges similarly consider their fees final after a similar period of time.[16] The proposed change is also equitable, and not unfairly discriminatory because it will apply equally to all TPHs (and Non-TPHs that pay Exchange fees) and apply in cases where either the TPH (or Non-TPH) discovers the error or the Exchange discovers the error. Lastly, the proposed changes to the fees schedule will align the Exchange's billing practices with those of its affiliated exchanges.

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 competition that is not necessary or appropriate in furtherance of the purposes of the Act. With respect to the billing procedure and billing error policy, the proposed rule change would provide a clear process that would

[8] For example, if the Exchange becomes aware of a transaction fee billing error on January 4, 2021, the Exchange will resolve the error by crediting or debiting Members based on the fees or rebates that should have been applied to any impacted transactions during October, November and December 2020. The Exchange notes that because it bills in arrears, the Exchange would be able to correct the error in advance of issuing the January 2021 invoice and therefore, transactions impacted through the date of discovery (in this example, January 4, 2021) and thereafter, would be billed correctly.

[9] *See e.g.* Securities Exchange Act Release No. 87650 (December 3, 2019), 84 FR 67304 (December 9, 2019) (SR–NYSECHX–2019–024); Securities Exchange Act Release No. 84430 (October 16, 2018), 83 FR 53347 (October 22, 2018) (SR–NYSENAT–2018–23); and Securities Exchange Act Release No. 79060 (October 6, 2016), 81 FR 70716 (October 13, 2016) (SR–ISEGemini–2016–11) .

[10] *See e.g.,* MEMX LLC, Rule 15.3, IEX Rule 15.120, Nasdaq Rule Equity 7, Section 70, Nasdaq BX Rule Equity 7, Section 111, and Nasdaq PHLX Rule Equity 7, Section 2.

[11] *See supra* note 6.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] *See supra* notes 6 and 10.

[16] *See supra* notes 6 and 9.

apply equally to all TPHs. Additionally, the proposed rule change is similar to rules of other exchanges. The Exchange does not believe such proposed changes would impair the ability of TPHs or competing order execution venues to maintain their competitive standing in the financial markets. Moreover, because the proposed changes would apply equally to all TPHs, the proposal does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay.[19] The Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because waiver of the operative delay will allow the Exchange to provide a clear process for billing errors and fee disputes without delay. Moreover, the proposed rule changes are comparable to other policies and practices established by other exchanges and therefore does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[20]

At any time within 60 days of the filing of the 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 will institute proceedings to determine whether the proposed rule 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–C2–2021–002 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–C2–2021–002. 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; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should referto File Number SR–C2–2021–002 and should be submitted on or before March 2, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02590 Filed 2–8–21; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meetings

TIME AND DATE: 8:30 a.m. on February 11, 2021.

PLACE: Please use the following link for the live stream of meeting: *https://tva.com/board/watch.*

STATUS: Open, via live streaming only.

MATTERS TO BE CONSIDERED:

Meeting No. 21–01

The TVA Board of Directors will hold a public meeting on February 11, 2021. Due to the ongoing risks associated with the COVID–19 outbreak, the meeting will be conducted via teleconference. The meeting will be called to order at 8:30 a.m. ET to consider the agenda items listed below. TVA Board Chair John Ryder and TVA management will answer questions from the news media following the Board meeting.

Public health concerns also require a change to the Board's public listening session. Although in-person comments from the public are not feasible, the Board is encouraging those wishing to express their opinions to submit written comments that will be provided to the Board members before the February 11 meeting. Written comments can be submitted through the same online system used to register to speak at previous listening sessions.

Agenda

1. Approval of minutes of the November 13, 2020, Board Meeting
2. Report of the External Relations Committee
   A. Acknowledgment of Local Power Companies
   B. Federal Advisory Committee Act Designated Federal Officer and Committee Management Officer
3. Report of the People and Performance Committee
   A. Strategic Assessment Review
   B. Fiscal Year 2021 CEO Compensation
   C. Board Chair

4. Report of the Finance, Rates, and Portfolio Committee
   A. Real Time Energy Rate Product
5. Report of the Nuclear Oversight Committee
6. Report of the Audit, Risk, and Regulation Committee
7. Information Item
   A. Committee Assignments
8. Report from President and CEO

Contact Person for More Information: For more information: Please call Jim Hopson, TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: February 4, 2021.

Sherry A. Quirk,

General Counsel.

[FR Doc. 2021–02770 Filed 2–5–21; 4:15 pm]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Land Swap and Release at the Jack Edwards National Airport, Gulf Shores, Alabama

AGENCY: Federal Aviation Administration, DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the Gulf Shores Airport Authority to release and exchange 5± acres of airport property, previously released for non-aeronautical use, for 5.75± acres of adjacent property to be used for non-aeronautical business development.

DATES: Comments must be received on or before March 11, 2021.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA to the following address: Jackson Airports District Office Attn: Graham Coffelt, Program Manager, 100 West Cross Street, Suite B Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Gulf Shores Airport Authority, Attn: Mr. Scott Fuller, 3190 Airport Drive Gulf Shores, AL 36542.

FOR FURTHER INFORMATION CONTACT: Graham Coffelt, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9886. The land release request may be reviewed in person at this same location.

Issued in Jackson, Mississippi, on February 3, 2021.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2021–02599 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request at Malden Regional Airport & Industrial Park (MAW), Malden, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release of airport land.

SUMMARY: The FAA proposes to rule and invites public comment on the request to release and sell a 5.27 acre parcel of federally obligated airport property at the Malden Regional Airport & Industrial Park (MAW), Malden, Missouri, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before March 11, 2021.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust, Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: David Blalock, Airport Manager, City of Malden Regional Airport & Industrial Park, 3077 Mitchell Drive, P.O. Box 411, Malden, MO 63863–0411, (573) 276–2279.

FOR FURTHER INFORMATION CONTACT: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust, Room 364, Kansas City, MO 64106, (816) 329–2603, *amy.walter@faa.gov.* The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release a 5.27 acre parcel of airport property at the Malden Regional Airport & Industrial Park (MAW) under the provisions of 49 U.S.C. 47107(h)(2). This is a Surplus Property Airport. The City of Malden requested a release from the FAA to sell the parcel to Walter Spence for future development. The FAA determined this request to release and sell property at the Malden Regional Airport & Industrial Park (MAW) submitted by the Sponsor meets the procedural requirements of the FAA and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

The Malden Regional Airport & Industrial Park (MAW) is proposing the release and sale of a parcel of airport property containing 5.27 acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Malden Regional Airport & Industrial Park (M) being changed from aeronautical to non-aeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances in order to sell the land. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation use.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may request an appointment to inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Malden City Hall.

Issued in Kansas City, MO, on February 3, 2021.

James A. Johnson,

Director, FAA Central Region, Airports Division.

[FR Doc. 2021–02595 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2021–0002]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by April 12, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2021–0002 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Chandler, 617–866–8679/*david.chandler@dot.gov;* Martha Kenley, 202–604–6879/*Martha.kenley@dot.gov,* Office of Civil Rights, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: On-the-Job Training (OJT) Program Report.

Background: The Findings in a September 2011 Government Accountability Office (GAO) Report concerning FHWA's administration of the OJT requirements indicated that FHWA needs to strengthen its stewardship and oversite of the OJT Program. Specifically, the GAO report cited, ''*FHWA does not know what these programs have accomplished or how effectively these activities have advanced the broader goal of bringing underrepresented individuals into the highway construction workforce, because FHWA has performed only limited assessments of these programs over their nearly 40-year history.*''

The OJT regulations (23 CFR 230.111(a)) require State DOT recipients to determine annually which contracts should include Training Special Provisions and the minimum number of trainees or trainee hours to be specified in those provisions. By delegated authority from the FHWA Office of Civil Rights (HCR), this information is submitted by the State DOT to the respective FHWA division office for concurrence and approval of the total number of training slots or hours. This total number then becomes the State DOT's annual OJT program goal.

Once an OJT goal is set, the regulations at § 230.111(b) require State DOTs that do not meet their annual goals to evaluate and report the reasons for the shortfall and remedial steps to be taken in the next calendar year. This information is due to FHWA no later than 30 days after the calendar year. Notwithstanding these requirements, there is no prescribed format for reporting this information to FHWA, so State DOT reports are varied. Further, there is no general reporting requirement that would allow HCR to evaluate the effectiveness of the OJT program nationally in meeting the primary objective: To employ, train, and upgrade minorities and women in the highway construction trades. Without any broader reporting requirement, FHWA lacks the necessary data to provide meaningful stewardship and oversight or to measure the effectiveness of OJT Programs nationally, as cited in GOA's 2011 Report. In addition, this lack of data limits FHWA's ability to respond to requests from stakeholders, including Congress, regarding program accomplishments.

The information FHWA proposes to collect in its OJT Program Report is based on existing requirements found in 23 CFR 230, Subpart A; therefore, State DOTs should have this information readily available. Use of the OJT Program Report is optional, and it will be made available through the Civil Rights Connect System currently used by FHWA recipients.

Respondents: A maximum of fifty-three recipients may respond using the OJT Program Report provided by HCR.

Frequency: Every year by January 30th.

Estimated Average Burden per Response: The estimated number of hours for each of fifty-three (53) recipients to compile and submit the requested data is estimated to be not more than four (4) employee hours annually.

Estimated Total Annual Burden Hours: Approximately 212 hours for fifty-three (53) recipients annually.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 3, 2021.

Michael Howell,

Information Collection Office.

[FR Doc. 2021–02567 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Notice of Final Federal Agency Actions on the North Houston Highway Improvement Project (NHHIP) in Texas

AGENCY: Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to an assignment agreement executed by FHWA and TxDOT. These actions grant licenses, permits, and approvals for the North Houston Highway Improvement Project (NHHIP), from US 59/I–69 at Spur 527 to I–45 at Beltway 8 North, in Harris County, Texas.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of TxDOT and Federal agency actions on the NHHIP will be barred unless the claim is filed on or before the deadline. For the NHHIP, the deadline is 150 days from the date of publication. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a

claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Carlos Swonke, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The NHHIP includes construction of roadway improvements to add four managed express (MaX) lanes on I–45 from Downtown Houston to Beltway 8 North, reroute I–45 to be parallel with I–10 on the north side of Downtown Houston and parallel to US 59/I–69 on the east side of Downtown Houston, realign sections of I–10 and US 59/I–69 in the Downtown area to eliminate the current roadway reverse curves that limit capacity, and depress US 59/I–69 between I–10 and Spur 527 south of Downtown to remove the problematic weaving sections. The NHHIP also includes reconstruction of mainlanes and frontage roads; addition of bicycle/pedestrian realms along the streets that cross the freeways, including a 15- to 17 foot-wide pedestrian realm that will create a buffer between the bicycle/pedestrian traffic and the vehicular traffic; addition of sidewalks along frontage roads; and addition of pass–through lanes on I–10 that will separate traffic desiring to go to Downtown from traffic destined to go through Downtown. The total project length is approximately 25.3 miles. The purpose of the NHHIP is to implement an integrated system of transportation improvements that would manage I–45 traffic congestion in the NHHIP area through added capacity, MaX lanes, options for SOV lanes, and improved operations; improve mobility on I–45 between US 59/I–69 and Beltway 8 North by accommodating projected population growth and latent demand in the project area; provide expanded transit and carpool opportunities; bring I–45, I–10, and US 59/I–69 up to current design standards to improve safety and operations; improve the capabilities of I–45 as an emergency evacuation route; improve stormwater drainage on I–45; and support the projected significant increase in travel on the regional highways in the Houston-Galveston area.

The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Impact Statement (FEIS), the Record of Decision (ROD) issued on February 3, 2021, and other documents in the TxDOT project file. The FEIS, ROD, and other documents in the TxDOT project file are available by contacting the TxDOT Houston District Office at TxDOT Houston District Office, Advanced Project Development Director, P.O. Box 1386, Houston, TX 77251, or by phone by calling (713) 802–5070. The FEIS and ROD can also be viewed and downloaded from the following website: *www.ih45northandmore.com.*

The environmental review, consultation, and other actions required by applicable Federal environmental laws for the NHHIP are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the NHHIP in the State of Texas.

This notice applies to all TxDOT and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101 *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [54 U.S.C. 312501 *et seq.*]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1377] (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].
8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Authority: 23 U.S.C. 139(l)(1).

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2021–02661 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0442; FMCSA–2014–0216; FMCSA–2015–0322; FMCSA–2015–0323; FMCSA–2016–0007; FMCSA–2016–0008; FMCSA–2018–0056]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2013–0442, FMCSA–2014–0216, FMCSA–2015–0322, FMCSA–2015–0323, FMCSA–2016–0007, FMCSA–2016–0008, or FMCSA–2018–0056, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On November 30, 2020, FMCSA published a notice announcing its decision to renew exemptions for 11 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (85 FR 76655). The public comment period ended on December 30, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 11 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of December and are discussed below.

As of December 3, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (85 FR 76655):

Nicolas Donez, Jr. (CO)
Michael C. Grant (SC)
Larry G. Hediger (IL)
Thomas K. Mitchell (MS)
Isaac E. Rogers (IL)
Donald J. Smith (NY)
Joseph A. Thomas (MD)

The drivers were included in docket number FMCSA–2013–0442, FMCSA–2014–0216, FMCSA–2015–0322, FMCSA–2016–0007, and FMCSA–2018–0056. Their exemptions were applicable as of December 3, 2020, and will expire on December 3, 2022.

As of December 21, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (85 FR 76655):

Douglas Cantwell (TN)
Kenneth B. Elder (KY)
Ronnie D. Moody (NC)
Tara VanHorne (PA)

The drivers were included in docket number MCSA–2015–0323 and FMCSA–2016–0008. Their exemptions were applicable as of December 21, 2020, and will expire on December 21, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02659 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0036]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces receipt of an application from one individual for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation of a commercial motor vehicle (CMV) by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart

failure. If granted, the exemption would enable this individual with an implantable cardioverter defibrillator (ICD) to operate a CMV in interstate commerce.

DATES: Comments must be received on or before March 11, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA–2021–0036 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/docket?D=FMCSA-2021-0036.* Follow the online instructions for submitting comments.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2021–0036), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov/docket?D=FMCSA-2021-0036.* Click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2021-0036* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The individual listed in this notice has requested an exemption from 49 CFR 391.41(b)(4). Accordingly, the Agency will evaluate the qualifications of the applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard found in § 391.41(b)(4) states that a person is physically qualified to drive a CMV if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. The advisory criteria states that ICDs are disqualifying due to risk of syncope.

III. Qualifications of Applicant

Matthew Wackt

Mr. Wackt is a CMV driver in Wisconsin. A January 8, 2021, letter from his cardiologist reports that his ICD was implanted in March of 2019, for secondary prevention of high risk cardiac arrhythmias for which he has not received ICD therapy since the device was implanted, nor has he reported any symptoms associated with any cardiac arrhythmia. His cardiologist's letter states that Mr. Wackt is stable from a cardiac electrophysiology perspective, and maintains ICD follow-up, however, remains at risk for recurrent ventricular arrhythmias in the setting of his underlying diagnosis. The cardiologist's letter also states that the presence of an ICD does not guarantee prevention of syncope.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petition described in this notice. We will consider all comments received before the close of business on

[1] These criteria may be found in 49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular: § 391.41(b)(4),* paragraph 4, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02658 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0009]

Agency Information Collection Activities; Notice and Request for Comment; Uniform Procedures for State Highway Safety Grant Programs

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on an extension of a currently-approved information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently-approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes NHTSA's collection of information for its State Highway Safety Grant Program.

DATES: Comments must be submitted on or before April 12, 2021.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2021–0009 through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For programmatic issues, contact Barbara Sauers, Regional Operations and Program Delivery, NRO–011, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone: 202–366–0144. For legal issues and background information, contact Roland (R.T.) Baumann III, Office of the Chief Counsel, NCC–300, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone: 202–366–1834. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Uniform Procedures for State Highway Safety Grant Programs.

OMB Control Number: 2127–0730.

Form Number(s): None.

Type of Request: Extension.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information

The Fixing America's Surface Transportation Act (FAST), Public Law 114–94, authorizes the National Highway Traffic Safety Administration (NHTSA) to issue highway safety grants to States under Chapter 4 of Title 23, U.S.C. Specifically, these grant programs include the Highway Safety Program grants (23 U.S.C. 402 or Section 402), the National Priority Safety Program grants (23 U.S.C. 405 or Section 405) and a separate grant on racial profiling data collection contained in a previous authorization that was revised and restored under the FAST Act (Pub. L. 109–59, Sec. 1906 or Section 1906, as amended by Sec. 4011, Pub. L. 114–94).

For all of these grants, as directed in statute, NHTSA uses a consolidated application process that relies on the Highway Safety Plan (HSP) States submit under the Section 402 program as a single application. The information required to be submitted for these grants includes the HSP consisting of information on the highway safety planning process, performance report, performance plan, problem identification, highway safety countermeasure strategies, projects and funding amounts, certifications and assurances, and application materials that cover Section 405 grants and the reauthorized Section 1906 grant.[1] States

[1] Section 405 grants cover the following: Occupant Protection Grants; State Traffic Safety Information System Improvements Grants; Impaired Driving Countermeasures Grants (including Alcohol-Ignition Interlock Grants and 24–7 Sobriety Program Grants); Distracted Driving Grants; Motorcyclist Safety Grants; State Graduated Driver Licensing Incentive Grants; and Nonmotorized Safety Grants. Section 1906 is a separate racial profiling data collection grant.

also must submit an annual report evaluating their progress in achieving performance targets. In addition, as part of the statutory criteria for Section 405 grants covering the areas of occupant protection, traffic safety information system improvement and impaired driving countermeasures, States may be required to receive assessments of their State programs in order to receive a grant.[2] States must provide information and respond to questions as part of the assessment process.

Consistent with the statute, NHTSA has implemented a final rule that creates uniform procedures for States to apply for grant funds (83 FR 3466, January 25, 2018). These procedures specify the information that is required to be submitted to receive a grant and the type of information required to verify performance under the grants.

As indicated above, States may be required to receive an assessment of certain covered programs in order to be eligible for some grants under Section 405. Separate from these requirements, States also may request assessments in these areas at their discretion. NHTSA uses two different assessment approaches based on the traffic safety area covered. For occupant protection and impaired driving, assessments are based on NHTSA's *Uniform Guidelines for State Highway Safety Programs,* which are required by Congress and periodically updated through a process that seeks public comment.[3] State programs are assessed against these uniform guidelines by a team of subject matter experts. The assessment team produces a final report with recommendations on how the State can improve the effectiveness of its program. As part of the process, States provide written materials in response to requests from the assessment team and participate in a comprehensive interview process. For traffic safety information systems, States respond to questions based on NHTSA's *Traffic Records Program Assessment Advisory* (DOT HS 812 601), which describes an ideal traffic records system. The questions cover nine topical areas and examine how well a State plans, collects, manages, and integrates information from several State traffic records systems.[4] Responses are evaluated by subject matter experts, and a final report is provided to the State with recommendations for improvement.

Description of the Need for the Information and Proposed Use of the Information

As noted above, the statute provides that the HSP is the application for grants each fiscal year. The information is necessary to determine whether a State satisfies the Federal criteria for grant awards. The annual report tracks progress in achieving the aims of the grant program. The information is necessary to verify performance under the grants and to provide a basis for improvement. As specified in statute, States may be required to receive an assessment of certain covered programs. The information provided by a State allows subject matter experts to provide recommendations for the purpose of improving the covered areas.

Affected Public

This collection impacts the fifty-seven entities that are eligible to apply for grants under the NHTSA Highway Grant Program (the fifty States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and the Bureau of Indian Affairs on behalf of the Indian Country). These respondents will hereafter be referred to as ''State respondents.''

This collection also impacts the subject matter experts and administrative assistants who are involved in assessments for the grant program. These subject matter experts are recruited by NHTSA by asking NHTSA Regional Offices and the State Highway Safety Offices to make recommendations. All new occupant protection and impaired driving assessors complete an e-learning course, Conducting Highway Safety Program Assessments.The course is self-paced and entirely on-line. Each impaired driving and occupant protection assessment team consists of five (5) assessors and an administrative assistant. For traffic records assessments, NHTSA uses a contractor to recruit and train the assessors for the online traffic records assessment conducted using NHTSA's Traffic Records Improvement Program Reporting System (TRIPRS). All subject matter experts are current or former members of State Traffic Records Coordinating Committees. There are between 10 to 14 assessors for each traffic records assessment.

Estimated Number of Respondents

There are 57 potential State respondents (the fifty States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and the Bureau of Indian Affairs on behalf of the Indian Country).

NHTSA estimates there will be approximately 260 assessor respondents per year. This estimate includes assessors and administrative assistants. Each occupant protection or impaired driving assessment involves five (5) subject matter experts and one (1) administrative assistant. NHTSA estimates that 13 occupant protection and impaired driving assessments will be completed each year, for a total of 78 respondents. Each traffic records assessment involves approximately thirteen (13) subject matter experts. NHTSA estimates that 14 traffic records assessments are completed each year, for a total of 182 traffic records assessors.

Frequency

Applications for grant funding and annul reporting are submitted once a year and assessments are conducted once every three or five years.

Estimated Total Annual Burden Hours: 40,666

The estimated burden hours for the grant application and annual report part of the collection of information are based on all eligible respondents each year for each of the grants:

- Section 402 grants: 57 (fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs);
- Section 405 Grants (except Impaired Driving Countermeasures, Motorcyclist Safety and Nonmotorized Grants) and Section 1906 Grant: 56 (fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and

[2] Under occupant protection grants, one criterion that a State with a lower belt use rate may use to receive a grant is to complete an assessment of its occupant protection program once every three years (23 U.S.C. 405(b)(3)(B)(ii)(VI)(aa)); and another criterion is a comprehensive occupant protection program that includes a program assessment conducted every five years as one of its elements (23 U.S.C. 405(b)(3)(B)(ii)(V)(aa); 23 CFR 1300.21(e)(5)(i)). Under traffic safety system information system improvement grants, a State must have an assessment of its highway safety data and traffic records system once every 5 years in order to receive a grant (23 U.S.C. 405(c)(3)(E)). Under impaired driving countermeasure grants, a State with high average impaired driving fatality rates must have an assessment of its impaired driving program once every 3 years in order to receive a grant. (23 U.S.C. 405(d)(3)(C)(i)(I)).

[3] The *Uniform Guidelines for State Highway Safety Programs* are available online at *https://one.nhtsa.gov/nhtsa/whatsup/tea21/tea21programs/index.htm.*

[4] The *Traffic Records Program Assessment Advisory* is available online at *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812601.*

• Section 405, Impaired Driving Countermeasures, Motorcyclist Safety and Nonmotorized Grants: 52 (fifty States, the District of Columbia, and Puerto Rico).

The estimated burden hours for the assessment part of the collection of information are based on the average number of State assessments that are carried out each year in each of the covered grant areas: [5] There are 9 assessments planned for the Section 405 Occupant Protection grants, 14 assessments for the Section 405 Traffic safety information system improvement grants and 4 assessments for the Section 405 Impaired driving grant.

Under the grant application and annual report requirements, we estimate that it will take each respondent approximately 240 hours to collect, review and submit the required information to NHTSA for the Section 402 program (200 burden hours for grant applications and 40 hours for annual reports). We further estimate that it will take each respondent approximately 180 hours to collect, review and submit the required information to NHTSA for the Section 405 program. For traffic safety information system improvement grants, we estimate that it takes 123 hours to respond to questions under the assessment. For occupant protection and impaired driving countermeasures grants, we estimate that it takes 80 hours to provide the required information and respond to questions under an assessment. Based on the above information, the estimated annual burden hours for all State respondents is 26,522 hours.

NHTSA estimates the labor cost associated with respondents preparing application materials using the estimated average wage for ''Management Analysts,'' Occupation Code 13–1111. The Bureau of Labor Statistics estimates that the average hourly wage for management analysts in State and local government is $31.95.[6] The Bureau of Labor Statistics estimates that wages for State and local government workers represent 61.8% of total compensation costs.[7] Therefore, NHTSA estimates the hourly labor costs to be $51.70 and estimates that hourly labor cost associated with preparing materials to be $24,056 per respondent. If all eligible States applied for and received grants for all programs (and including the annual number of assessment responses required from States), the total labor costs on all respondents would be $1,855,099.

These estimates are based on every eligible respondent submitting the required information for every available grant. However, not all States apply for and receive a grant each year under each of these programs. In addition, under Section 405 grants, some requirements permit States to submit a single application covering multiple years allowing States to simply recertify in subsequent years.

In addition to the burden hours for State respondents, this information collection also involves burden hours for subject matter experts who assess the States and burden hours for administrative assistants. For occupant protection and impaired driving assessments it is estimated that assessors spend approximately 80 hours of work on each assessment, based on the following assumptions: 46 hours for the interviews and panel discussions and 34 hours for pre- and post-assessment activities, to include reviewing: (1) Briefing book materials; (2) resources on the State Highway Safety Office's website, and (3) reviewing comments and/or suggestions submitted from the State after their review of the assessment final report.The honorarium the State pays to each team member is $2,700, which translates to $33.75 per hour.

An administrative assistant works approximately 46 hours for the interviews and panel discussions and 18 hours for pre- and post-assessment activities, to include coordinating logistics, assisting team members and editing the document. The honorarium for this position is $2,100 (which translates to $32.80 per hour).

The cost for traffic records assessments is based on the honorarium that NHTSA pays each assessor. NHTSA pays each assessor $2,100 for their time and NHTSA estimates that each assessor spends approximately 16 hours for the assessment, or $131.25 per hour.

Accordingly, NHTSA estimates the total burden hours for this information collection request is 44,826 hours and the associated labor costs is estimated to be $2,440,089.

Estimated Total Annual Burden Cost: $422,500

In addition to the cost of states in conjunction with the assessments, there are other costs involved related to conducting the event such as subject matter expert stipend, travel and per diem. These costs are approximately $32,500 per occupant protection and impaired driving assessment. For the thirteen planned assessments, the cost is estimated to be $422,500.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Jamie Pfister,

Associate Administrator for Regional Operations and Program Delivery.

[FR Doc. 2021–02652 Filed 2–8–21; 8:45 am]

BILLING CODE 4910–59–P

[5] Assessment average is based on the total number of assessments conducted each year and divided by the number of years since the inception of assessment requirements for certain grants under MAP–21, Public Law 112–141.

[6] *See* May 2019 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, available at *https://www.bls.gov/oes/current/naics4_999200.htm* (accessed January 6, 2021).

[7]

DEPARTMENT OF THE TREASURY

Open Meeting of the Federal Advisory Committee on Insurance

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces that the U.S. Department of the Treasury's Federal Advisory Committee on Insurance (''FACI'') will meet via videoconference on Thursday, February 18, 2021 from 12:30 p.m.–3:30 p.m. Eastern Time. The meeting is open to the public. The FACI provides non-binding recommendation and advice to the Federal Insurance Office (FIO) in the U.S. Department of Treasury.

DATES: The meeting will be held via videoconference on Thursday, February 18, 2021, from 12:30 p.m.–3:30 p.m. Eastern Time.

Attendance: The meeting will be held via videoconference and is open to the public. The public can attend remotely via live webcast at *www.yorkcast.com/treasury/events/2021/02/18/FACI.* The webcast will also be available through the FACI's website at *https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/federal-advisory-committee-on-*

insurance-faci. Requests for reasonable accommodations under Section 504 of the Rehabilitation Act should be directed to Mariam G. Harvey, Office of Civil Rights and Diversity, Department of the Treasury at (202) 622–0316, or *mariam.harvey@do.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Lindsey Baldwin, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Room 1410 MT, Washington, DC 20220, at (202) 622–3220 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2), through implementing regulations at 41 CFR 102–3.150.

Public Comment: Members of the public wishing to comment on the business of the Federal Advisory Committee on Insurance are invited to submit written statements by either of the following methods:

Electronic Statements

• Send electronic comments to *faci@treasury.gov.*

Paper Statements

• Send paper statements in triplicate to the Federal Advisory Committee on Insurance, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Room 1410 MT, Washington, DC 20220.

In general, the Department of the Treasury will make submitted comments available upon request without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. Requests for public comments can be submitted via email to *faci@treasury.gov.* The Department of the Treasury will also make such statements available for public inspection and copying in the Department of the Treasury's Library, 720 Madison Place NW, Room 1020, Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622–2000. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: This will be the first FACI meeting of 2021. In this meeting, the FACI will receive updates from the FACI's four subcommittees: COVID–19, Availability of Insurance Products, FIO's International Work, and Addressing the Protection Gap Through Public-Private Partnerships and Other Mechanisms. At this meeting, the FACI will discuss the 2021 workplan for each subcommittee. The FACI will also receive an update from FIO on its activities and consider any new business.

Steven Seitz,

Director, Federal Insurance Office.

[FR Doc. 2021–02638 Filed 2–8–21; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0856]

Agency Information Collection Activity Under OMB Review: Authorization To Disclose Information to a Third Party

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0856''.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *Maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0856'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Authorization to Disclose Information to a Third Party, VA Form 29–0975.

OMB Control Number: 2900–0856.

Type of Review: Extension of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for veterans, service personnel, and their dependents and/or beneficiaries. Title 38 U.S.C. 5101(a) provides that a specific claim in the form provided by the Secretary must be filed in order for benefits to be paid to any individual under the laws administered by the Secretary. This form will be used by Department of Veterans Affairs Insurance Center (VAIC) to enable a third party to act on behalf of the insured Veteran/beneficiary. Many of our customers are of advanced age or suffer from limiting disabilities and need assistance from a third party to conduct their affairs. The information collected provides an optional service and is not required to receive insurance benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 213 on November 3, 2020, pages 69696 and 69697.

Affected Public: Individuals or Households.

Estimated Annual Burden: 100 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,200.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–02650 Filed 2–8–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Tuesday,

No. 25 February 9, 2021

Part II

The President

Executive Order 14013—Rebuilding and Enhancing Programs To Resettle Refugees and Planning for the Impact of Climate Change on Migration

Federal Register
Vol. 86, No. 25
Tuesday, February 9, 2021

Presidential Documents

Title 3—

The President

Executive Order 14013 of February 4, 2021

Rebuilding and Enhancing Programs To Resettle Refugees and Planning for the Impact of Climate Change on Migration

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act, 8 U.S.C. 1101 *et seq.,* I hereby order as follows:

Section 1. *Policy.* The long tradition of the United States as a leader in refugee resettlement provides a beacon of hope for persecuted people around the world, promotes stability in regions experiencing conflict, and facilitates international collaboration to address the global refugee crisis. Through the United States Refugee Admissions Program (USRAP), the Federal Government, cooperating with private partners and American citizens in communities across the country, demonstrates the generosity and core values of our Nation, while benefitting from the many contributions that refugees make to our country. Accordingly, it shall be the policy of my Administration that:

(a) USRAP and other humanitarian programs shall be administered in a manner that furthers our values as a Nation and is consistent with our domestic law, international obligations, and the humanitarian purposes expressed by the Congress in enacting the Refugee Act of 1980, Public Law 96–212.

(b) USRAP should be rebuilt and expanded, commensurate with global need and the purposes described above.

(c) Delays in administering USRAP and other humanitarian programs are counter to our national interests, can raise grave humanitarian concerns, and should be minimized.

(d) Security vetting for USRAP applicants and applicants for other humanitarian programs should be improved to be more efficient, meaningful, and fair, and should be complemented by sound methods of fraud detection to ensure program integrity and protect national security.

(e) Although access to United States humanitarian programs is generally discretionary, the individuals applying for immigration benefits under these programs must be treated with dignity and respect, without improper discrimination on the basis of race, religion, national origin, or other grounds, and should be afforded procedural safeguards.

(f) United States humanitarian programs should be administered in a manner that ensures transparency and accountability and reflects the principle that reunifying families is in the national interest.

(g) My Administration shall seek opportunities to enhance access to the refugee program for people who are more vulnerable to persecution, including women, children, and other individuals who are at risk of persecution related to their gender, gender expression, or sexual orientation.

(h) Executive departments and agencies (agencies) should explore the use of all available authorities for humanitarian protection to assist individuals for whom USRAP is unavailable.

(i) To meet the challenges of restoring and expanding USRAP, the United States must innovate, including by effectively employing technology and capitalizing on community and private sponsorship of refugees, while continuing to partner with resettlement agencies for reception and placement.

(j) The Special Immigrant Visa (SIV) programs for Iraqi and Afghan allies provide humanitarian protection to nationals of Iraq and Afghanistan experiencing an ongoing, serious threat because they provided faithful and valuable service to the United States, including its troops serving in those countries. The Federal Government should ensure that these important programs are administered without undue delay.

Sec. 2. *Revocation, Rescission, and Reporting.* (a) Executive Order 13815 of October 24, 2017 (Resuming the United States Refugee Admissions Program With Enhanced Vetting Capabilities), and Executive Order 13888 of September 26, 2019 (Enhancing State and Local Involvement in Refugee Resettlement), are revoked.

(b) The Presidential Memorandum of March 6, 2017 (Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People), is revoked.

(c) Within 90 days of the date of this order, the Secretary of State and the Secretary of Homeland Security shall provide a report to the President, through the Assistant to the President for National Security Affairs (APNSA), describing all agency actions, including memoranda or guidance documents, that were taken or issued in reliance on or in furtherance of the directives revoked by subsections (a) and (b) of this section. This report shall include recommendations regarding whether each action should be maintained, reversed, or modified, consistent with applicable law and as appropriate for the fair, efficient, and secure administration of the relevant humanitarian program or otherwise in the national interest.

Sec. 3. *Special Immigrant Visas for Iraqi and Afghan Allies.* (a) Within 180 days of the date of this order, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall complete a review of the Iraqi and Afghan SIV programs and submit a report to the President with recommendations to address any concerns identified. The report shall include:

(i) an assessment of agency compliance with existing law governing the SIV programs, including program eligibility requirements and procedures for administrative review;

(ii) an assessment of whether there are undue delays in meeting statutory benchmarks for timely adjudication of applications, including due to insufficient staffing levels;

(iii) a plan to provide training, guidance, and oversight with respect to the National Visa Center's processing of SIV applications;

(iv) a plan to track the progress of the Senior Coordinators as provided under section 1245 of the Refugee Crisis in Iraq Act of 2007 (RCIA), subtitle C of title XII of Public Law 110–181, and section 602(b)(2)(D)(ii)(II) of the Afghan Allies Protection Act of 2009 (AAPA), title VI of division F of Public Law 111–8, as amended; and

(v) an assessment of whether adequate guidelines exist for reconsidering or reopening applications in appropriate circumstances and consistent with applicable law.

(b) The Secretary of State, in consultation with the Secretary of Defense, shall also direct a review of the procedures for Chief of Mission approval of applications with the aim of, as appropriate and consistent with applicable law:

(i) ensuring existing procedures and guidance are sufficient to permit prospective applicants a fair opportunity to apply and demonstrate eligibility;

(ii) issuing guidance that would address situations where an applicant's employer is unable or unwilling to provide verification of the applicant's ''faithful and valuable service,'' and provide for alternative forms of verification;

(iii) revising requirements to facilitate the ability of applicants to demonstrate the existence of a qualifying contract with the United States Government and require that the supervisor verifying the applicant's ''faithful and valuable service'' be a United States citizen or national;

(iv) ensuring that applicants are not prejudiced by delays in verifying their employment; and

(v) implementing anti-fraud measures to ensure program integrity.

(c) Within 180 days of the date of this order, the Secretary of State shall submit to the President the results of the review described in subsection (b) of this section.

(d) Within 180 days of the date of this order, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall conduct a review and submit a report to the President identifying whether additional populations not currently provided for under section 1059 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163, section 1244 of the RCIA, or section 602 of the AAPA are at risk as a result of their faithful and valuable service to the United States Government. The review should also evaluate whether it would be appropriate to seek legislation that would create a SIV program for individuals, regardless of nationality, who faithfully assisted the United States Government in conflict areas for at least 1 year or made exceptional contributions in a shorter period and have experienced or are experiencing an ongoing serious threat as a result of their service.

(e) Within 180 days of the date of this order, the Secretary of State and the Secretary of Homeland Security shall ensure that appropriate policies and procedures related to the SIV programs are publicly available on their respective agency's websites, and that any revisions to such policies and procedures in the future are made publicly available on those websites within 30 days of issuance.

Sec. 4. *Steps to Improve the Efficacy, Integrity, Security, and Transparency of USRAP.* (a) Consistent with the policy set forth in section 1 of this order and to facilitate this order's effective and expeditious implementation:

(i) The APNSA shall designate a National Security Council Senior Director to be responsible for coordinating the agencies and vetting partners involved in USRAP.

(ii) The Secretary of State shall designate a senior-level employee to have primary responsibility for overseeing refugee application processing, consistent with applicable law.

(iii) The Secretary of Homeland Security shall designate a senior-level employee to have primary responsibility for coordinating the review and any revision of policies and procedures regarding the vetting and adjudication of USRAP refugee applicants, including follow-to-join refugee applicants and post-decisional processing, consistent with applicable law.

(iv) The Director of the Office of Management and Budget shall assign a team of technology, process, and data experts from the United States Digital Service to assist agencies in streamlining application processing, improving the automation and effectiveness of security vetting and fraud detection, and strengthening data-driven decision-making.

(b) Within 30 days of the date of this order, the Secretary of State and the Secretary of Homeland Security shall provide the President a report on the fraud detection measures in place for USRAP. The report shall also include a plan to enhance fraud detection within components at both agencies and recommendations for the development of new anti-fraud programs, as appropriate and consistent with applicable law.

(c) The Secretary of Homeland Security, in consultation with the Secretary of State, shall promptly consider taking all appropriate actions, consistent with applicable law, to expand refugee vetting and adjudication capacity, including by:

(i) developing more efficient processes to capture and share refugee applicant biometric data; and

(ii) permitting the use of video and audio teleconferencing to conduct refugee interviews and establishing the necessary infrastructure to do so.

(d) To increase refugee adjudication capacity, the Office of Personnel Management shall, consistent with applicable law, support the use of all hiring authorities, including expanded use of direct hiring authority, for positions associated with the adjudication of refugee applications.

(e) Within 30 days of the date of this order, the heads of all agencies involved in the Security Advisory Opinion process and other inter-agency vetting processes for refugee applicants, including follow-to-join refugee applicants, shall submit data to the National Vetting Governance Board on the number of staff performing refugee security vetting, the thresholds for checks, and the rates at which checks have returned an objection. Such data shall be disaggregated by age range, gender, and nationality of the refugee applicant. The National Vetting Governance Board shall meet to consider if and how agency processes and staffing levels should change to improve security reviews and make refugee arrivals more efficient, and shall share any conclusions and recommendations with the heads of relevant agencies, including the Director of the Office of Management and Budget, in order to inform potential resourcing strategies where necessary.

(f) Within 60 days of the date of this order, agencies responsible for the Security Advisory Opinion process shall meet to consider proposals from member agencies to adjust the list of countries and other criteria that require a Security Advisory Opinion for a refugee case.

(g) The Secretary of Homeland Security, in consultation with the Secretary of State, shall consider whether to promulgate regulations and any other policies, including internal oversight mechanisms, to ensure the quality, integrity, efficiency, and fairness of the adjudication process for USRAP applicants, while also taking due account of the challenges facing refugee applicants. The Secretary of Homeland Security, in consultation with the Secretary of State, should consider adopting regulations or policies, as appropriate and consistent with applicable law, that:

(i) develop mechanisms to synthesize reliable, detailed, and current country conditions that may be relied upon, where appropriate, to make specific factual and legal determinations necessary for the adjudication of refugee applications from individuals or from individuals within a designated group of applicants;

(ii) ensure that refugee applicants have timely access to their own application records;

(iii) permit refugee applicants to have a representative at their interview at no cost to the United States Government; and

(iv) ensure, when refugee applications are denied for non-security or non-fraud-based reasons, an applicant is given a short explanation describing the basis for the denial, so that the applicant has a meaningful opportunity to present additional evidence and to request a review of the decision.

(h) The Secretary of State and the Secretary of Homeland Security shall provide the President, through the APNSA, a report describing any action taken pursuant to subsection (g) of this section within 180 days of the date such action is taken.

(i) The Secretary of Homeland Security shall ensure that adjudicators are trained in the standards governing refugee claims of women, children, and other individuals who are more vulnerable to persecution due to their age, gender, gender expression, or sexual orientation.

(j) The Secretary of State and the Secretary of Homeland Security shall consider taking actions, as appropriate and consistent with applicable law, to recognize as ''spouses'' for purposes of derivative status through USRAP individuals who are in committed life partnerships but who are unable

to marry or to register their marriage due to restrictions in the law or practices of their country of origin, including for individuals in same-sex, interfaith, or camp-based marriages. The Secretary of State and the Secretary of Homeland Security shall provide the President a report, through the APNSA, describing any action taken pursuant to this subsection within 180 days of the date such action is taken.

(k) Within 120 days of the date of this order, the Secretary of State and the Secretary of Health and Human Services shall, as appropriate and consistent with applicable law, deliver a plan to the President, through the APNSA, to enhance the capacity of USRAP to welcome refugees by expanding the use of community sponsorship and co-sponsorship models by refugee resettlement agencies, and by entering into new public-private partnerships.

(l) The Secretary of State, in consultation with the Secretary of Homeland Security, shall consider ways to expand mechanisms under which non-governmental organizations with direct access to and knowledge of refugees abroad in camps or other settings could identify and directly refer to USRAP particularly vulnerable individuals who have a strong possibility of qualifying for admission to the United States as refugees.

(m) Within 180 days of the date of this order, the Secretary of State and the Secretary of Homeland Security shall take all appropriate steps, taking into account necessary safeguards for program integrity, to ensure that the current policies and procedures related to USRAP are publicly available on their respective websites, and that any new or revised policies and procedures are made publicly available on their websites within 30 days of their adoption.

(n) Within 180 days of the date of this order, the Secretary of State, in consultation with the Secretary of Homeland Security, and as appropriate and consistent with applicable law, shall develop options for improving USRAP applicants' ability to access relevant material from their case files on an expedited basis to inform timely appeals from adverse decisions.

Sec. 5. *Improving Performance.* (a) The Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall develop and ensure adherence to a plan that addresses USRAP processing backlogs. In developing this plan, the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, and the Director of National Intelligence, and in collaboration with the National Vetting Governance Board and United States Digital Service, shall conduct a review of refugee security vetting processes and develop recommendations to increase their efficiency, fairness, and effectiveness, consistent with the humanitarian goals of USRAP and the national security and foreign policy interests of the United States.

(b) The plan and review described in subsection (a) of this section shall also:

(i) examine whether existing vetting processes, including the Security Advisory Opinion process, can be improved to increase efficiency and provide more effective security reviews; and

(ii) seek to bring national average processing times within the period described in 8 U.S.C. 1571(b).

(c) Within 120 days of the date of this order, the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, shall submit to the President the plan described in subsection (a) of this section, including the Secretary's recommendations for process improvements.

Sec. 6. *Climate Change and Migration.* Within 180 days of the date of this order, the APNSA, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall prepare and submit to the President a report

on climate change and its impact on migration, including forced migration, internal displacement, and planned relocation. This report shall include, at a minimum, discussion of the international security implications of climate-related migration; options for protection and resettlement of individuals displaced directly or indirectly from climate change; mechanisms for identifying such individuals, including through referrals; proposals for how these findings should affect use of United States foreign assistance to mitigate the negative impacts of climate change; and opportunities to work collaboratively with other countries, international organizations and bodies, nongovernmental organizations, and localities to respond to migration resulting directly or indirectly from climate change. The APNSA shall work with appropriate agencies to ensure that the report, or a summary thereof, is made publicly available.

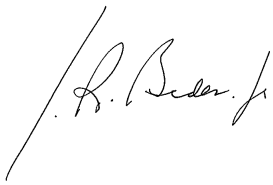
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 4, 2021.

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