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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740 and 742

[Docket No. 210219–0027]

RIN 0694–XC071

Russia: Implementation of Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act) Sanctions

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notification of implementation.

SUMMARY: The Secretary of State, acting under authority delegated pursuant to Executive Order 12851, has determined pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act) that the Government of the Russian Federation has used chemical or biological weapons in violation of international law or lethal chemical or biological weapons against its own nationals. The sanctions imposed on Russia in connection with this determination include a prohibition, subject to partial waiver, on the export to Russia of national security-controlled goods and technology subject to the Export Administration Regulations (EAR). Pursuant to the EAR, BIS already maintains controls on exports and reexports to Russia of national security-controlled ''items'' (commodities, software and technology) that are subject to the EAR. This document informs the public that, consistent with BIS's implementation of the CBW Act sanctions, certain license exceptions will be suspended for use with national security-controlled items destined for Russia, and most license applications for exports or reexports of national security-controlled items destined for Russia will be reviewed under a presumption of denial.

DATES: March 18, 2021.

FOR FURTHER INFORMATION CONTACT: Alexander Lopes, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Department of Commerce. Phone: (202) 482–3825; Email: *Alexander.Lopes@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Implementation of Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 Sanctions on Russia-Related Exports and Reexports of Items Controlled for National Security Reasons

The Secretary of State, acting under authority delegated pursuant to Executive Order 12851, has determined pursuant to Section 306(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act) that the Government of the Russian Federation has used chemical weapons in violation of international law or lethal chemical weapons against its own nationals. The sanctions imposed on Russia in connection with this determination include a prohibition on the export to Russia of national security-controlled goods and technology subject to the Export Administration Regulations (EAR). The Secretary of State also issued a partial waiver under the CBW Act of these sanctions on national security grounds. Pursuant to Section 742.4 of the EAR, BIS already maintains controls on exports and reexports to Russia of national security-controlled ''items'' (commodities, software and technology) that are subject to the EAR. Consistent with BIS's implementation of the CBW Act sanctions, license applications for exports or reexports of national security-controlled items to Russia will be reviewed under a presumption of denial. However, certain categories of exports and reexports will be permitted under a partial waiver of the application of the sanctions, including exports and reexports made under certain License Exceptions. A License Exception is an authorization allowing exports, reexports, or transfers (in-country) under stated conditions of items subject to the EAR that would otherwise require a license. Notably, as described in more detail below, one of the waiver provisions for commercial space launch activities will expire on September 1, 2021, after which time the prohibition will apply to the review of such license applications.

While the focus of this document is on BIS's implementing actions, exporters of items subject to the EAR should also be aware that in order to take additional steps to address Russia's use of chemical weapons, the Department of State is amending the International Traffic in Arms Regulations (ITAR) § 126.1(d)(2) to include Russia in the list of countries subject to a policy of denial for exports of defense articles and defense services. Consistent with Note 1 to Country Group D:5 in Supplement No. 1 to part 740 of the EAR, countries included in § 126.1 of the ITAR are also considered to be in Country Group D:5. Placement of a country in Country Group D:5 generally limits the availability of license exceptions for exports and reexports of certain items. See, generally, 15 CFR part 740.

Prohibitions

Except as described below (under ''National Security Waiver''), effective March 18, 2021, license applications for exports or reexports of national security-controlled items to Russia will be reviewed under a presumption of denial. In particular, this policy applies to commercial end-users and civil end-uses in Russia and to state-owned enterprises and state-funded enterprises in Russia.

Further, in accordance with the implementation of these new sanctions under the CBW Act, and consistent with Section 740.2(b) of the EAR, which provides that all License Exceptions are subject to revision, suspension, or revocation, in whole or in part, without notice, BIS hereby suspends License Exception RPL (Service and Replacement of Parts and Equipment), License Exception TSU (Technology and Software Unrestricted), and License Exception APR (Additional Permissive Reexports) for use with items controlled for national security reasons that are destined to Russia.

National Security Waiver

The Secretary of State has determined and certified to Congress pursuant to Section 307(d) of the CBW Act that it is essential to the national security interest of the United States to partially waive the application of the statute with respect to sanctions on the licensing of certain exports and reexports as

described below of national security-controlled items.

License Exceptions: The waiver covers exports and reexports of national security-controlled items to Russia that are eligible for License Exception TMP (Temporary Imports, Exports, and Reexports); License Exception GOV (Governments, International Organizations, and International Inspections under the Chemical Weapons Convention); License Exception BAG (Baggage); License Exception AVS (Aircraft and Vessels); and License Exception ENC (Encryption Commodities and Software). *See* Sections 740.9 (TMP), 740.11 (GOV), 740.14 (BAG), 740.15 (AVS), or 740.17 (ENC) of the EAR.

Safety of Flight: The waiver covers exports and reexports to Russia of national security-controlled items pursuant to licenses necessary for the safety of flight of civil fixed-wing passenger aviation. License applications for such transactions will be reviewed consistent with export licensing policy for Russia prior to the date of this document. *See* Section 742.4(b)(7) of the EAR.

Deemed Exports/Reexports: The waiver covers exports and reexports of national security-controlled items pursuant to licenses for deemed exports and reexports to Russian nationals. License applications for such transactions will be reviewed consistent with export licensing policy for Russia prior to the date of this document. *See* Section 742.4(b)(7) of the EAR.

Wholly-Owned U.S. and Other Foreign Subsidiaries: The waiver covers exports and reexports of national security-controlled items pursuant to licenses to wholly-owned U.S. subsidiaries and other foreign subsidiaries of U.S. companies that are located in Russia. License applications for such transactions will be reviewed consistent with export licensing policy for Russia prior to the date of this document. *See* Section 742.4(b)(7) of the EAR.

Commercial Space Flight: The waiver covers exports and reexports to Russia of national security-controlled items in support of commercial space launch activities. License applications for such transactions will be reviewed consistent with the export licensing policy for Russia prior to the date of this document until September 1, 2021, after which date this waiver provision will expire and license applications will be reviewed under a presumption of denial. *See* Section 742.4(b)(7) of the EAR.

Government Space Flight: The waiver covers exports and reexports to Russia of national security-controlled items subject to the EAR in support of government space cooperation. License applications for such transactions will be reviewed consistent with the export licensing policy for Russia prior to the date of this document. *See* Section 742.4(b)(7) of the EAR.

Other Russia-related licensing considerations: BIS has also identified Parties with ties to Russia's chemical and biological weapons program in additions to the Entity List published in the **Federal Register** (*see* 85 FR 52898, Aug. 27, 2020 and Addition of Certain Entities to the Entity List; Correction of Existing Entries on the Entity List published on March 8, 2021, in the **Federal Register** (*see* 86 FR 13179)).

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–05488 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 400, 410, 414, 415, 423, 424, and 425

[CMS–1734–F, CMS–1734–IFC, CMS–1744–F, CMS–5531–F and CMS–3401–IFC] CN

RIN 0938–AU10, 0938–AU31, 0938–AU32, and 0938–AU33

Medicare Program; CY 2021 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Medicaid Promoting Interoperability Program Requirements for Eligible Professionals; Quality Payment Program; Coverage of Opioid Use Disorder Services Furnished by Opioid Treatment Programs; Medicare Enrollment of Opioid Treatment Programs; Electronic Prescribing for Controlled Substances for a Covered Part D Drug; Payment for Office/Outpatient Evaluation and Management Services; Hospital IQR Program; Establish New Code Categories; Medicare Diabetes Prevention Program (MDPP) Expanded Model Emergency Policy; Coding and Payment for Virtual Check-In Services Interim Final Rule Policy; Coding and Payment for Personal Protective Equipment (PPE) Interim Final Rule Policy; Regulatory Revisions in Response to the Public Health Emergency (PHE) for COVID–19; and Finalization of Certain Provisions From the March 31st, May 8th and September 2nd Interim Final Rules in Response to the PHE for COVID–19; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule and interim final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that appeared in the December 28, 2020, **Federal Register** entitled, ''Medicare Program; CY 2021 Payment Policies under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Medicaid Promoting Interoperability Program Requirements for Eligible Professionals; Quality Payment Program; Coverage of Opioid Use Disorder Services Furnished by Opioid Treatment Programs; Medicare Enrollment of Opioid Treatment Programs; Electronic

Prescribing for Controlled Substances for a Covered Part D Drug; Payment for Office/Outpatient Evaluation and Management Services; Hospital IQR Program; Establish New Code Categories; Medicare Diabetes Prevention Program (MDPP) Expanded Model Emergency Policy; Coding and Payment for Virtual Check-in Services Interim Final Rule Policy; Coding and Payment for Personal Protective Equipment (PPE) Interim Final Rule Policy; Regulatory Revisions in Response to the Public Health Emergency (PHE) for COVID–19; and Finalization of Certain Provisions from the March 31st, May 8th and September 2nd Interim Final Rules in Response to the PHE for COVID–19'' (hereinafter referred to as the CY 2021 PFS final rule).

DATES: This correction is effective March 18, 2021, and is applicable beginning January 1, 2021.

FOR FURTHER INFORMATION CONTACT: Terri Plumb, (410) 786–4481, Gaysha Brooks, (410) 786–9649, or Annette Brewer (410) 786–6580.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2020–26815 of December 28, 2020, the CY 2021 PFS final rule (85 FR 84472), there were technical errors that are identified and corrected in this correcting document. These corrections are effective and applicable beginning January 1, 2021.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 84503, in the Medicare telehealth services list, due to a typographical error, the CPT code is incorrect.

On page 84513 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, we inadvertently included CPT code 96121.

On page 84516 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, we inadvertently included CPT codes 99221, 99222, and 99223.

On page 84560 in Table 23: CY 2020 Work RVUs and CY 2021 Final Work RVUs, we inadvertently included CPT codes 99492 and 99493 and inadvertently omitted HCPCS codes G2211 and G2212. There were no changes made to the work RVUs for CPT codes 99492 and 99493 in this final rule.

On page 84562 in Table 24: Comparison of Physician Time, and Clinical Staff Time (Non-facility and Facility) for HCPCS Codes, CY 2020 Values vs. 2021 Final Values, we inadvertently included CPT codes 99492 and 99493 and inadvertently omitted HCPCS Codes G2211 and G2212.

On page 84665 in Table 28: CY 2021 Work RVUs for New, Revised and Potentially Misvalued Codes, due to a typographical error, we inadvertently included the incorrect descriptor for HCPCS code G2216.

B. Summary and Correction of Errors in the Addenda on the CMS Website

Due to a technical change that was applied in error to the indirect practice expense (PE) allocation for HCPCS codes G2082 and G2083 in the final rule, the Addendum B posted on the CMS website contained errors for the Non-Facility PE RVUs, Facility PE RVUs, Total Non-Facility RVUs, and the Total Facility RVUs. Specifically, we assigned an incorrect physician specialty in our ratesetting process to the predecessor codes for HCPCS codes G2082 and G2083 in the CY 2020 PFS final rule and CY 2021 PFS proposed rule. We intended to correct the assigned physician specialty for these codes in the CY 2021 PFS final rule; however, we neglected to discuss this correction in the course of PFS rulemaking for CY 2021. Since this technical change was applied in the CY 2021 PFS final rule, but was not discussed in the course of PFS rulemaking for CY 2021, we are removing this change for the 2021 calendar year, retroactive to January 1, 2021. The Non-Facility PE RVUs, Facility PE RVUs, Total Non-Facility RVUs, and Total Facility RVUs that resulted from the correction of this error are reflected in the revised CY 2021 Addendum B available on the CMS website at *https://www.cms.gov/medicaremedicare-fee-service-paymentphysicianfeeschedpfs-federal-regulation-notices/cms-1734-f*. Specifically, we are correcting the following:

1. In Addendum B—Relative Value Units and Related Information Used in the CY 2021 PFS final rule, line 12615 for CPT/HCPCS code G2082, Visit esketamine 56m or less,

a. Seventh column, the Non-Facility PE RVUs the value ''17.68'' is corrected to read ''24.06''.

b. Eighth column, the Facility PE RVUs the value '' 0.17'' is corrected to read ''0.27''.

c. Tenth column, Total Non-Facility RVUs the value ''18.43'' is corrected to read ''24.81''.

d. Eleventh column, Total Facility RVUs the value ''0.92'' is corrected to read ''1.02''.

2. In Addendum B—Relative Value Units and Related Information Used in the CY 2021 PFS final rule, line 12616 for CPT/HCPCS G2083 for Visit esketamine, >56m,

a. Seventh column the Non-Facility PE RVUs the value ''25.54'' is corrected to read ''34.72''.

b. Eighth column the Facility PE RVUs the value ''0.17'' is corrected to read ''0.27''.

c. Tenth column, Total Non-Facility RVUs the value ''26.29'' is corrected to read ''35.47''.

d. Eleventh column Total Facility RVUs the value ''0.92'' is corrected to read ''1.02''.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (the APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements; in cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors in the CY 2021 PFS final rule. The corrections contained in this document are consistent with, and

do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and comment procedures, and adopted in the CY 2021 PFS final rule. As a result, the corrections made through this correcting document are intended to resolve inadvertent errors so that the CY 2021 PFS final rule accurately reflects the policies adopted in the final rule. Even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the CY 2021 PFS final rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects our policies as of the date they take effect. Further, such procedures would be unnecessary because we are not making any substantive revisions to the final rule, but rather, we are simply correcting the **Federal Register** document to reflect the policies that we previously proposed, received public comment on, and subsequently finalized in the CY 2021 PFS final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

IV. Correction of Errors

In FR Doc. 2020–26815 (85 FR 84472), published December 28, 2020, make the following corrections:

A. Correction of Errors in the Preamble

1. On page 84503, second column, third bullet, third line, the number ''994780'' is corrected to read ''99478''.

2. On page 84513 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, the second column, the third row, is corrected by removing the listing for HCPCS code 96121 in the second and third columns.

3. On page 84516 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, the second column, the second, third, and fourth rows are corrected by removing the listings for HCPCS codes 99221, 99222, and 99223 in the second and third columns.

4. On page 84560, Table 23: CY 2020 Work RVUs and CY 2021 Final Work RVUs, is corrected by removing CPT codes 99492 and 99493 and adding rows for HCPCS codes G2211 and G2212 to read as follows:

HCPCS code	Long descriptor	CY 2020 work RVUs	Final CY 2021 work RVUs
G2211	Visit complexity inherent to evaluation and management associated with medical care services that serve as the continuing focal point for all needed health care services and/or with medical care services that are part of ongoing care related to a patient's single, serious condition or a complex condition. (Add-on code, list separately in addition to office/outpatient evaluation and management visit, new or established).	N/A	0.33
G2212	Prolonged office or other outpatient evaluation and management service(s) beyond the maximum required time of the primary procedure which has been selected using total time on the date of the primary service; each additional 15 minutes by the physician or qualified healthcare professional, with or without direct patient contact (List separately in addition to CPT codes 99205, 99215 for office or other outpatient evaluation and management services). (Do not report G2212 on the same date of service as 99354, 99355, 99358, 99359, 99415, 99416). (Do not report G2212 for any time unit less than 15 minutes).	N/A	0.61

5. On page 84562, Table 24: Comparison of Physician Time, and Clinical Staff Time (Non-facility and Facility) for HCPCS Codes, CY 2020 Values vs. 2021 Final Values, is corrected by removing CPT codes 99492 and 99493 and adding rows for HCPCS codes G2211 and G2212 to read as follows:

HCPCS	Phys. time (minutes)—CY 2020	Phys. time (minutes)—CY 2021 final	NF clinical staff time (minutes)—CY 2020	NF clinical staff time (minutes)—CY 2021 final	Fac. clinical staff time (minutes)—CY 2020	Fac. clinical staff time (minutes)—CY 2021 final
G2211	11	11	0	0	0	0
G2212	15	15	2	2	0	0

6. On page 84665 in Table 28: CY 2021 Work RVUs for New, Revised and Potentially Misvalued Codes, the second column, the third row, the phrase ''Take-home supply of auto-injector naloxone'' is corrected to read ''Take-home supply of injectable naloxone''.

Dated: March 12, 2021.

Wilma M. Robinson,

Deputy Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2021–05548 Filed 3–16–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 210312–0054]

RIN 0648–BK15

Fisheries Off West Coast States; Emergency Action to Temporarily Extend the Primary Sablefish Fishery Season; Correction

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

ACTION: Correcting amendment.

SUMMARY: This action corrects the regulations governing the West Coast Sablefish Primary fishery after the expiration of the emergency rule to temporarily extend the 2020 season for the Sablefish Primary fishery. The amendatory instructions for the temporary rule were written incorrectly so that when the temporary rule expired, important regulations were removed and reserved rather than reinstated correctly. These corrections are necessary so the regulations accurately implement the Pacific Fishery Management Council's intent.

DATES: This correction is effective March 18, 2021.

FOR FURTHER INFORMATION CONTACT: Colin Sayre, phone: (206) 526 4656 or email: *colin.sayre@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS published a temporary emergency rule on October 27, 2020 (85 FR 68001), that extended the season length for the West Coast Sablefish Primary fishery. The temporary rule extended the season close date from October 31 to December 31 for the 2020 fishing year, based on a recommendation from the Pacific Fishery Management Council (the Council) during its September 2020 meeting. The temporary rule expired at noon on December 31, 2020. After expiration of the temporary rule, NMFS noted the need for two corrections.

Corrections

This action corrects the regulations governing the West Coast Sablefish Primary fishery. The season dates for the sablefish primary fishery have historically run from April 1 until October 31 and were established in regulations under Amendment 14 to the Pacific Coast Groundfish Fishery Management Plan (August 7, 2001; 66 FR 41152). The amendatory instructions for the temporary rule (October 27, 2020; 85 FR 68001) were written incorrectly so that when the temporary rule expired, two important regulations were reserved rather than reinstated correctly. Specifically, the season dates codified at § 660.231(b)(1) were inadvertently removed and reserved. This correction will reinstate that paragraph which sets out the season dates for this fishery. The reinstated season dates are April 1 to October 31.

Additionally, NMFS inadvertently removed and reserved a paragraph referring to the season dates for the primary sablefish fishery at § 660.213(d)(2) as part of the recordkeeping and reporting requirements for the fishery. This correction will reinstate that paragraph.

These two corrections are consistent with the Council action to extend the season length for the West Coast Sablefish Primary fishery temporarily for the 2020 fishing year, and are needed to correctly implement the intent of the Council's recommendation in September 2020. The substance of the text is unchanged from what was in existing regulations prior to the October 27, 2020 temporary rule.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this action corrects inadvertent errors related to the October 27, 2020 temporary rule. Immediate correction of the errors is necessary to prevent confusion among participants in the fishery that could result in issues with enforcement of season dates for the fishery. To effectively correct the errors, the changes in this action must be effective upon publication as the fishery will begin on April 1, 2021. Thus, there is not sufficient time for notice and comment. In addition, notice and comment is unnecessary because this correcting amendment reinstates previously established regulations and corrects inadvertent errors related to the October 27, 2020 temporary rule. These corrections will not affect the results of analyses conducted to support management decisions in the Pacific coast groundfish fishery. No change in operating practices in the fishery is required.

For the same reasons stated above, the AA has determined good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). This correcting amendment reinstates season dates in previously established regulations that should have been reinstated following expiration of the October 27 temporary rule. Delaying effectiveness of these corrections would result in conflicts in the regulations and confusion among fishery participants. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This final rule is not significant under Executive Order 12866.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian Fisheries.

Dated: March 12, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is corrected by making the following correcting amendments:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.213(d)(2), add paragraph (d)(2) to read as follows:

§ 660.213 Fixed gear fishery—recordkeeping and reporting.

* * * * *

(d) * * *

(2) For participants in the sablefish primary season, the cumulative limit period to which this requirement

applies is April 1 through October 31 or, for an individual vessel owner, when the tier limit for the permit(s) registered to the vessel has been reached, whichever is earlier.

* * * * *

■ 3. In § 660.231, add paragraph (b)(1) to read as follows:

§ 660.231 Limited entry fixed gear sablefish primary fishery.

* * * * *

(b) * * *

(1) *Season dates.* North of 36° N lat., the sablefish primary season for the limited entry, fixed gear, sablefish-endorsed vessels begins at 12 noon local time on April 1 and closes at 12 noon local time on October 31, or closes for an individual vessel owner when the tier limit for the sablefish endorsed permit(s) registered to the vessel has been reached, whichever is earlier, unless otherwise announced by the Regional Administrator through the routine management measures process described at § 660.60(c).

* * * * *

[FR Doc. 2021–05560 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022; RTID 0648–XA946]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of Pacific cod by American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the Pacific cod total allowable catch allocated to AFA trawl catcher/processors in the BSAI has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 15, 2021, through 2400 hours, A.l.t., December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2021 Pacific cod total allowable catch allocated to AFA trawl catcher/processors is 2,571 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the Pacific cod total allowable catch allocated to the AFA trawl catcher/processors in the BSAI has been reached. Therefore, NMFS is requiring that Pacific cod caught by AFA trawl catcher/processors in the BSAI be treated as prohibited species in accordance with § 679.21(b).

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 prohibiting retention of Pacific cod by AFA trawl catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 12, 2021.

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

Dated: March 15, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–05652 Filed 3–15–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 51
Thursday, March 18, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 21, 26, 50, 51, 52, 55, and 73

[NRC–2009–0196]

RIN 3150–AI66

Alignment of Licensing Processes and Lessons Learned From New Reactor Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis; request for comment; extension of comment period.

SUMMARY: On January 29, 2021, the U.S. Nuclear Regulatory Commission (NRC) published a document in the **Federal Register** requesting public comment on a regulatory basis to support a proposed rule that would amend the NRC's regulations for the licensing of new nuclear power reactors. The public comment period was originally scheduled to close on April 14, 2021. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The due date of comments requested in the document published on January 29, 2021 (86 FR 7513), is extended. Comments should be filed no later than May 14, 2021. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2009–0196. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: James G. O'Driscoll, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–1325; email: *James.ODriscoll@nrc.gov;* or Allen Fetter, Office of Nuclear Reactor Regulation; telephone: 301–415–8556; email: *Allen.Fetter@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2009–0196 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2009–0196.
- *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.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *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 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2009–0196 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons to not include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS. Please note that the NRC will not provide formal written responses to each of the comments received on the regulatory basis. However, the NRC will consider all comments received in the rulemaking process.

II. Discussion

On January 29, 2021, the NRC published a document requesting comments on a regulatory basis to support a proposed rule that would amend the NRC's regulations to ensure consistency in new reactor licensing reviews, provide for an efficient new reactor licensing process, reduce the need for exemptions from existing regulations and license amendment requests, address other new reactor licensing issues deemed relevant by the NRC, and support the principles of good regulation, specifically openness, clarity, and reliability. The public comment period was originally scheduled to close on April 14, 2021. The NRC has decided to extend the public comment period on this document until May 14, 2021, to allow more time for members of the public to develop and submit their comments.

Dated: March 12, 2021.

For the Nuclear Regulatory Commission.

Kevin A. Coyne,

Acting Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–05570 Filed 3–17–21; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 22

[Docket ID OCC–2020–0033]

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Docket No. R–1742]

RIN 7100–AG12

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 339

RIN 3064–ZA16

FARM CREDIT ADMINISTRATION

12 CFR Part 614

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 760

RIN 3133–AF31

Loans in Areas Having Special Flood Hazards; Interagency Questions and Answers Regarding Private Flood Insurance

AGENCY: Office of the Comptroller of the Currency (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Farm Credit Administration (FCA); and National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The OCC, Board, FDIC, FCA, and NCUA (collectively, the Agencies) propose to supplement the Interagency Questions and Answers Regarding Flood Insurance with new questions and answers regarding the acceptance of flood insurance policies issued by private insurers pursuant to the Agencies' private flood insurance final rule issued in February 2019. These questions and answers will assist lenders in meeting their responsibilities under the final rule and increase public understanding of the Agencies' respective flood insurance regulations. The Agencies solicit comment on all aspects of these new questions and answers.

DATES: Comments on the proposed questions and answers must be submitted on or before May 17, 2021.

ADDRESSES: Interested parties are invited to submit written comments to:

OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''Loans in Areas Having Special Flood Hazards; Interagency Questions and Answers Regarding Private Flood Insurance'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:* Go to *https://regulations.gov/.* Enter ''Docket ID OCC–2020–0033'' in the Search Box and click ''Search.'' Public comments can be submitted via the ''Comment'' box below the displayed document information or by clicking on the document title and then clicking the ''Comment'' box on the top-left side of the screen. For help with submitting effective comments please click on ''Commenter's Checklist.'' For assistance with the *Regulations.gov* site, please call (877) 378–5457 (toll free) or (703) 454–9859 Monday–Friday, 9 a.m.–5 p.m. ET or email *regulations@erulemakinghelpdesk.com.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2020–0033'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:* Go to *https://regulations.gov/.* Enter ''Docket ID OCC–2020–0033'' in the Search Box and click ''Search.'' Click on the ''Documents'' tab and then the document's title. After clicking the document's title, click the ''Browse Comments'' tab. Comments can be viewed and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Results'' options on the left side of the screen. Supporting materials can be viewed by clicking on the ''Documents'' tab and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Documents Results'' options on the left side of the screen. For assistance with the *Regulations.gov* site, please call (877) 378–5457 (toll free) or (703) 454–9859 Monday–Friday, 9 a.m.–5 p.m. ET or email *regulations@erulemakinghelpdesk.com.*

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Board: You may submit comments, identified by Docket No. R–1742, by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 146, 1709 New York Avenue NW, Washington, DC 20006 between 9 a.m. and 5 p.m. on weekdays.

FDIC: You may submit comments, identified by RIN 3064–ZA16, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Agency Website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments.

• *Email: comments@fdic.gov.* Include RIN 3064–ZA16 in the subject line of the message.

• *Mail:* James P. Sheesley, Assistant Executive Secretary, Attention: Comments-RIN 3064–ZA16/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery/Courier:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Instructions: All submissions must include the agency name and RIN 3064–ZA16 for this rulemaking. Comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/,* including any personal information provided.

FCA: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's website. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

• *Email:* Send us an email at *reg-comm@fca.gov.*

• *FCA Website: http://www.fca.gov.* Click inside the ''I want to . . .'' field near the top of the page; select ''comment on a pending regulation'' from the dropdown menu; and click ''Go.'' This takes you to an electronic public comment form.

• *Mail:* Kevin J. Kramp, Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of all comments we receive on our website at *http://www.fca.gov.* Once you are in the website, click inside the ''I want to . . .'' field near the top of the page; select ''find comments on a pending regulation'' from the dropdown menu; and click ''Go.'' This will take you to the Comment Letters page where you can select the regulation for which you would like to read the public comments. We will show your comments as submitted, including any supporting data provided, but for technical reasons, we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam. You may also review comments at our office in McLean, Virginia. Please call us at (703) 883–4056 or email us at *reg-comm@fca.gov* to make an appointment.

NCUA: You may submit comments identified by RIN 3133–AF31 by any of the following methods (please send comments by one method only).

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Fax:* (703) 518–6319. Use the subject line ''[Your name] Comments on ''Interagency Questions & Answers Regarding Private Flood Insurance'' on the transmission cover sheet.

• *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

• *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You can view all public comments on the agency's website at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments. Due to social distancing measures in effect, the usual opportunity to inspect paper copies of comments in the NCUA's law library is not currently available. After social distancing measures are relaxed, visitors may make an appointment to review paper copies by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT:

OCC: Rhonda L. Daniels, Compliance Specialist, Compliance Risk Policy Division, (202) 649–5405; Heidi M. Thomas, Special Counsel, or Cyndy MacMahon, Attorney, Chief Counsel's Office, (202) 649–6350.

Board: Lanette Meister, Senior Supervisory Consumer Financial Services Analyst, (202) 452–2705 or Vivian W. Wong, Senior Counsel, (202) 452–3667, Division of Consumer and Community Affairs; Daniel Ericson, Senior Counsel, (202) 452–3359, Legal Division; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

FDIC: Navid Choudhury, Counsel, Policy Unit, Legal Division, (202) 898–6526; or Simin Ho, Senior Policy Analyst, Division of Depositor and Consumer Protection, (202) 898–6907.

FCA: Ira D. Marshall, Senior Policy Analyst, Office of Regulatory Policy, (703) 883–4379, TTY (703) 883–4056 or Jennifer Cohn, Senior Counsel, Office of General Counsel, (720) 213–0440.

NCUA: Sarah Chung, Senior Staff Attorney, Office of General Counsel, (703) 518–6540, or Lou Pham, Senior Credit Specialist, Office of Examination and Insurance, (703) 518–6360.

SUPPLEMENTARY INFORMATION:

Background

The National Flood Insurance Act of 1968 created the National Flood Insurance Program (NFIP), which is administered by the Federal Emergency Management Agency (FEMA).[1] The NFIP enables property owners in participating communities to purchase flood insurance if the community has adopted floodplain management ordinances and minimum standards for new and substantially damaged or improved construction. Thus, in participating communities, Federally-backed flood insurance is available for property owners in flood risk areas.

Congress expanded the NFIP by enacting the Flood Disaster Protection Act of 1973 (FDPA).[2] The FDPA made the purchase of flood insurance mandatory in connection with loans made by Federally-regulated lending institutions when the loans are secured by improved real estate or mobile homes located in a special flood hazard area (SFHA). The National Flood Insurance Reform Act of 1994 (the Reform Act) (Title V of the Riegle Community Development and Regulatory Improvement Act of 1994) comprehensively revised the Federal flood insurance statutes.[3] The Reform Act required the OCC, Board, FDIC, Office of Thrift Supervision (OTS), and NCUA to revise their flood insurance regulations, and required the FCA to promulgate a flood insurance regulation for the first time. The OCC, Board, FDIC, OTS, FCA, and NCUA [4] fulfilled these requirements by issuing a joint final rule in the summer of 1996.[5]

Since 1997, the Interagency Questions and Answers [6] have provided the

[1] Public Law 90–448, 82 Stat. 572 (1968).

[2] Public Law 93–234, 87 Stat. 975 (1973).

[3] Title V of Public Law 103–325, 108 Stat. 2255 (1994).

[4] Throughout this document ''the Agencies'' includes the OTS with respect to events that occurred prior to July 21, 2011, but does not include OTS with respect to events thereafter. Sections 311 and 312 of the Dodd-Frank Wall Street Reform and Consumer Protection Act transferred OTS's functions to other agencies on July 21, 2011. The OTS's supervisory functions relating to Federal savings associations were transferred to the OCC, while those relating to State savings associations were transferred to the FDIC. *See also* 76 FR 39246 (July 6, 2011).

[5] 61 FR 45684 (Aug. 29, 1996).

[6] Throughout this document, ''Questions and Answers'' refers to the Interagency Questions and Answers Regarding Flood Insurance in its entirety;

Continued

lending industry with guidance addressing a wide spectrum of technical flood insurance-related compliance issues. In 2009, the Agencies comprehensively revised and reorganized the initial 1997 Interagency Questions and Answers. In 2011, the Agencies further finalized two additional Q&As that were proposed in 2009.[7] In October 2013, the Agencies jointly issued proposed rules [8] to implement the escrow, force placement, and private flood insurance provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 (the Biggert-Waters Act).[9] In March 2014, the Homeowner Flood Insurance Affordability Act (HFIAA) was enacted, which, among other things, amended the Biggert-Waters Act's requirements regarding the escrow of flood insurance premiums and fees and created a new exemption from the mandatory flood insurance purchase requirement for certain detached structures.[10] The Agencies finalized the regulations to implement provisions in the Biggert-Waters Act and HFIAA under the Agencies' jurisdiction, except for the provisions related to private flood insurance, with a final rule issued in July 2015.[11] In February 2019, the Agencies finalized regulations that implement the private flood insurance related provisions of the Biggert-Waters Act.[12] This rule requires lenders to accept ''private flood insurance,'' as defined in the Biggert-Waters Act (mandatory acceptance). In order to assist lenders in evaluating whether a flood insurance policy meets the definition of ''private flood insurance,'' the private flood insurance rule also includes a compliance aid provision. Under the compliance aid provision, a lender may conclude that a policy meets the definition of ''private flood insurance,'' without further review, if the policy, or an endorsement to the policy, contains the compliance aid clause set forth in the rule. Moreover, the private flood insurance rule permits a lender, at its discretion, to accept a flood insurance policy issued by a private insurer, even if the policy does not meet the statutory and regulatory definition of ''private flood insurance,'' provided the policy meets certain requirements in the rule (discretionary acceptance). A lender also is permitted, at its discretion, to accept certain mutual aid plans that meet the conditions stated in the rule.

On June 18, 2019, prior to the effective date of the final rule, the Agencies hosted a webinar entitled ''Interagency Flood Insurance Updates on Private Insurance Rule'' to discuss updates to the Agencies' flood regulations concerning acceptance of private flood insurance policies.[13] The Agencies also discussed the private flood insurance rule at various flood insurance conferences. Through these activities, the Agencies received numerous questions regarding technical compliance with this rule.

On July 6, 2020, the Agencies issued proposed new and revised Interagency Questions and Answers (July 2020 Proposed Questions and Answers) that covered a broad range of topics related to technical flood insurance-related issues, including the escrow of flood insurance premiums, the detached structure exemption to the mandatory purchase of flood insurance requirement, and force-placement procedures.[14] The July 2020 Proposed Questions and Answers included only two Q&As related to private flood insurance because the private flood insurance rule had only been in effect since July 2019.

As noted in the July 2020 Proposed Questions and Answers, the Agencies committed to separately issuing for notice and comment proposed questions and answers relating to the private flood insurance rule. Accordingly, the Agencies have carefully considered each of the many questions received on the private flood insurance rule since its issuance, categorized and consolidated the questions, and drafted 24 private flood insurance questions and answers to be broadly applicable to supervised lenders and servicers. The Agencies are now issuing for public comment these 24 proposed questions and answers, categorized in the three following sections:

I. Private Flood Insurance—Mandatory Acceptance
II. Private Flood Insurance—Discretionary Acceptance
III. Private Flood Insurance—General Compliance

To assist the reader, the Agencies have included references to specific Q&As from the July 2020 Proposed Questions and Answers and from other Q&As in this proposal when helpful. In addition, the following terms are used throughout this document: ''Act'' refers to the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as revised by the National Flood Insurance Reform Act of 1994, Biggert-Waters Flood Insurance Reform Act of 2012 and Homeowner Flood Insurance Affordability Act (codified at 42 U.S.C. 4001 *et seq*). ''Regulation'' refers to each Agency's current rule.[15] Furthermore, the Agencies note that some of the information included in certain proposed questions and answers is derived from the preamble of the private flood insurance final rule.

The Agencies plan to publish a final document in the **Federal Register** that consolidates these proposed private flood insurance questions and answers and the July 2020 Proposed Questions and Answers into one set of Interagency Questions and Answers Regarding Flood Insurance.

Public Comments

The Agencies solicit comment on all aspects of the proposed questions and answers regarding the private flood insurance rule. If lenders, community groups, or other parties have unanswered questions or comments about the private flood insurance provision of the Regulation, they are invited to submit them to the Agencies in their comments.

Section-by-Section Analysis

I. Private Flood Insurance—Mandatory Acceptance

The Agencies propose nine new Q&As to address issues regarding the mandatory acceptance and the application of the compliance aid assurance clause with respect to the private flood insurance provision of the Regulation. The new proposed Q&As would be designated as Mandatory 1–9. Proposed new Q&A Mandatory 1 would address whether a lender may decide to only accept private flood insurance policies under the mandatory acceptance provision of the Regulation. The proposed answer would confirm that a lender may decide to only accept flood insurance policies issued by a private insurer that the lender is required to accept because the policies meet the definition of ''private flood

''Q&A'' refers to an individual question and answer within the Questions and Answers.

[7] For additional information on the history of Interagency Questions and Answers, please see the preamble to the July 2020 Proposed Interagency Questions and Answers at 85 FR 40442 (July 6, 2020).

[8] 78 FR 65108 (Oct. 30, 2013).

[9] Public Law 112–141, 126 Stat. 916 (2012).

[10] Public Law 113–89, 128 Stat. 1020 (2014).

[11] 80 FR 43216 (July 21, 2015). Subsequently, on November 7, 2016, the Agencies re-proposed the private flood insurance provisions through a joint notice of proposed rulemaking (81 FR 78063).

[12] 84 FR 4953 (Feb. 20, 2019).

[13] For more information about the June 2019 interagency webinar on the private flood insurance rule, including the presentation transcripts, *see https://www.consumercomplianceoutlook.org/outlook-live/2019/interagency-flood-insurance-regulation-update/*.

[14] *See* 85 FR 40442 (July 6, 2020).

[15] The Agencies' rules are codified at 12 CFR part 22 (OCC), 12 CFR part 208 (Board), 12 CFR part 339 (FDIC), 12 CFR part 614 (FCA), and 12 CFR part 760 (NCUA).

insurance'' under the Regulation. The proposed answer also would clarify that a lender is not required to accept flood insurance policies that only meet the criteria set forth in the discretionary acceptance or mutual aid provisions in the Regulation.

Proposed new Q&A Mandatory 2 would address when a lender must review a flood policy issued by a private flood insurer to make sure the policy meets the mandatory acceptance criteria, other than at loan origination. The proposed response would explain that, other than at origination, a lender must review a flood insurance policy issued by a private insurer when the policy is up for renewal, or any time the borrower presents the lender with any new flood insurance policy issued by a private insurer. The Agencies would clarify that a lender must review the policy in these instances in addition to when a triggering event occurs (making, increasing, extending or renewing a loan).

During this review, a lender may determine that the policy meets the mandatory acceptance criteria without further review if the policy or an endorsement to the policy includes the compliance aid assurance clause. However, if the policy does not meet the mandatory acceptance criteria, the lender may still accept it if it meets the discretionary acceptance criteria or, if applicable, the mutual aid plan criteria. The proposed answer would also explain that if the policy does not meet any such criteria, the lender must notify the borrower in accordance with the force placement provisions of the Regulation. If the borrower does not purchase flood insurance that complies with the Regulation, the lender must purchase insurance on the borrower's behalf. In addition, the Agencies would clarify that a lender may rely on a previous review of a flood insurance policy under the discretionary acceptance provision, provided there are no changes to the terms of the policy. However, as required by the Regulation and discussed below in proposed new Q&A Discretionary 4, the lender must document its conclusion regarding sufficient protection of the loan in writing. The Agencies are also including a reference to proposed new Q&A Discretionary 4.

Proposed new Q&A Mandatory 3 would address whether the private flood insurance requirements under the Regulation require a lender to change its policy of not originating a mortgage in non-participating communities or coastal barrier regions where the NFIP is not available. The proposed answer would explain that the Regulation does not require a lender to originate a loan that does not meet the lender's underwriting criteria. The Agencies would note that the flood insurance purchase requirement only applies to loans secured by structures located or to be located in an SFHA in which flood insurance is available under the Act. As stated in proposed Q&A Applicability 1 in the July 2020 Proposed Questions and Answers, the flood insurance purchase requirement does not apply within non-participating communities where NFIP insurance is not available under the Act. Therefore, the proposed answer would state that the lender does not need to change its policy of not originating mortgages in areas where NFIP insurance is unavailable solely because of the private flood insurance requirements under the Regulation.

Proposed new Q&A Mandatory 4 would address whether the compliance aid assurance clause could act as a conformity clause that would make a private policy conform to the definition of private flood insurance under the Regulation. The Agencies propose to clarify that the compliance aid assurance clause is not intended to act as a conformity clause but rather to facilitate the ability of lenders and consumers to recognize policies that meet the definition of ''private flood insurance'' and to promote the consistent acceptance of policies that meet this definition.

Proposed new Q&A Mandatory 5 would provide that a lender is not required to accept a flood insurance policy issued by a private insurer solely because the policy contains the compliance aid assurance clause if the lender chooses to conduct its own review and determines the flood insurance policy actually does not meet the mandatory acceptance requirements. The proposed answer also would note that if a flood insurance policy issued by a private insurer does not include the compliance aid assurance clause, the lender must still review the policy to determine if it meets the requirements for private flood insurance as set forth in the Regulation before the lender may choose to reject the policy.

Proposed new Q&A Mandatory 6 would discuss whether a lender is required to conduct an additional review of a flood insurance policy under the mandatory acceptance provision if the policy includes the compliance aid assurance clause. The proposed answer would state that under the mandatory acceptance provision of the Regulation, if a policy or an endorsement to the policy contains the compliance aid assurance clause, a lender is *not* required to conduct any further review of the policy in order to determine that the policy meets the definition of ''private flood insurance.'' The Agencies also propose to clarify that the language of the compliance aid assurance clause must be stated as set forth in the Regulation in order for the lender to rely on the protections of the compliance aid assurance clause. However, the proposed answer would provide that a lender need not reject a policy containing the compliance aid assurance clause if the formatting, font, punctuation, and similar stylistic effects that do not change the substantive meaning of the clause are different from the compliance aid assurance clause set forth in the Regulation. The proposed answer would also include a reference to proposed new Q&A Mandatory 7.

Proposed new Q&A Mandatory 7 would describe additional reviews a lender must conduct when a flood insurance policy issued by a private insurer includes the compliance aid assurance clause, as the clause only assists a lender in making the determination that a flood insurance policy meets the definition of private flood insurance in the Regulation, and not other requirements specified in the Regulation. Specifically, the lender also must ensure that the coverage is at least equal to the lesser of the outstanding principal balance of the designated loan or the maximum limit of coverage available for the particular type of property under the Act, and also should ensure that other key aspects of the policy are accurate, such as the borrower's name and property address. The proposed answer would also include a reference to proposed new Q&A Mandatory 6.

Proposed new Q&A Mandatory 8 would address whether a lender may use the criteria under the discretionary acceptance provision to decide whether to accept a policy that does not contain the compliance aid assurance clause without first reviewing the policy to determine if it meets the mandatory acceptance provision. The proposed answer would clarify that a lender may first review the policy to determine whether it meets the criteria under the discretionary acceptance provision. However, if the policy is not accepted under the discretionary acceptance provision, the lender would still need to determine whether it *must* accept the policy under the mandatory acceptance criteria. The proposed answer would also remind lenders to document that a policy provides sufficient protection of the loan if the lender accepts the policy under the discretionary acceptance provision of the Regulation.

Lastly, new proposed Q&A Mandatory 9 would note that if the compliance aid assurance clause is included on the declarations page, a lender may accept the policy without further review to determine whether the policy meets the definition of private flood insurance. However, a lender must also ensure compliance with the mandatory purchase requirement.

II. Private Flood Insurance—Discretionary Acceptance

The Agencies propose to add four new Q&As to provide additional clarity on the discretionary acceptance provision of the Regulation. These new Q&As would be designated as Discretionary 1–4. Proposed new Q&A Discretionary 1 would address whether lenders are required to accept flood insurance policies that meet the discretionary acceptance criteria. The proposed answer would note that the discretionary acceptance criteria in the Regulation set forth the minimum acceptable criteria that a flood insurance policy must have for the lender to accept the policy under the discretionary acceptance provision. The proposed answer would clarify that it is at the lender's discretion to accept a policy that meets the discretionary acceptance criteria so long as the policy does not meet the mandatory acceptance criteria.

Proposed new Q&A Discretionary 2 would address the requirements for documentation to demonstrate that a policy provides sufficient protection of a loan when a lender accepts that policy under the discretionary acceptance criteria. The proposed answer would explain that the Regulation requires the lender to document its conclusion in writing that the policy provides sufficient protection of the loan, consistent with safety and soundness principles. In addition, the proposed answer would include a reference to proposed Q&A Coverage 1 from the July 2020 Proposed Questions and Answers, which discusses some factors to consider when determining whether a flood insurance policy issued by a private insurer provides sufficient protection of the loan, consistent with safety and soundness principles.[16] Furthermore, the proposed answer would note that while the Regulation does not require any specific documentation to demonstrate that the policy provides sufficient protection of the loan, lenders may include any information that reasonably supports the lender's conclusion following review of the policy.

Proposed new Q&A Discretionary 3 would address how a lender could evaluate concerns related to an insurer's solvency, strength, and ability to pay claims in order to determine whether an insurance policy provides sufficient protection of a loan, consistent with general safety and soundness principles. The proposed answer would provide that a lender may evaluate an insurer's solvency, strength, and ability to satisfy claims by obtaining information from the State insurance regulator's office of the State in which the property securing the loan is located, among other options. The proposed answer would further indicate that a lender could rely on the licensing or other processes used by the State insurance regulator for such an evaluation. The proposed answer would also include a reference to proposed Q&A Coverage 1 from the July 2020 Proposed Questions and Answers.

Proposed new Q&A Discretionary 4 would address whether a lender is required to review a flood insurance policy upon renewal if that policy was issued by a private insurer and was originally accepted in accordance with the discretionary acceptance requirements. The proposed answer would provide that if a lender had accepted a flood insurance policy issued by a private insurer in accordance with the discretionary acceptance requirements and the policy is renewed, the lender would be required to review the policy upon renewal to ensure that it continues to meet the discretionary acceptance requirements. The proposed answer would also state that a lender would need to document its conclusion regarding sufficiency of the protection of the loan in writing upon each renewal to indicate that the policy continues to provide sufficient protection of the loan.

III. Private Flood Insurance—General Compliance

The Agencies propose to add 11 new Q&As on topics related to the private flood insurance provisions of the Regulation that are not covered in sections I and II above. The new proposed Q&As would be designated as Private Flood Compliance 1–11.

New proposed Q&A Private Flood Compliance 1 would address questions on the maximum deductible that a flood insurance policy issued by a private insurer can have for properties located in an SFHA. Under the proposed answer, the Agencies would clarify that the analysis would depend on whether the lender is accepting the flood insurance policy under the mandatory acceptance provision or the discretionary acceptance provision.

Specifically, for a private flood insurance policy that the lender is accepting under the mandatory acceptance provision, the proposed answer would state that the Regulation provides that the policy must contain a deductible that is ''at least as broad as'' the maximum deductible in the Standard Flood Insurance Policy (SFIP) under the NFIP, which means that the deductible is no higher than the specified maximum under an SFIP for any total coverage amount up to the maximum available under the NFIP at the time the policy is provided to the lender. The proposed answer would provide that a policy with a coverage amount exceeding that available under the NFIP may have a deductible exceeding the specific maximum deductible under an SFIP. However, the proposed answer would also advise that for safety and soundness purposes, the lender should consider whether the deductible is reasonable based on the borrower's financial condition, consistent with guidance the Agencies proposed in Q&A Amount 9[17] in the July 2020 Proposed Questions and Answers and with how deductibles may be evaluated under the discretionary acceptance provision. The proposed answer would also set forth examples to aid in compliance.

The Agencies note that this proposed guidance regarding the deductible for a private flood insurance policy with a coverage amount exceeding that available under the NFIP is different from the informal advice the Agencies previously provided in supplementary information to the private flood insurance rule.[18] In the supplementary information to the private flood insurance rule, the Agencies advised that even for private flood insurance

[16] These factors include whether: (1) A policy's deductibles are reasonable based on a borrower's financial condition; (2) the insurer provides adequate notice of cancellation to the mortgagor and the mortgagee; (3) the terms and conditions of the policy with respect to payment per occurrence or per loss and aggregate limits are adequate to protect the lending institution's interest in the collateral; (4) the flood insurance policy complies with applicable State insurance laws; and (5) the private insurance company has the financial strength, solvency and ability to satisfy claims. *See* 85 FR 40442, 40458 (July 6, 2020).

[17] Proposed Q&A Amount 9, adapted from current Q&A 17, provides that a lender should determine the reasonableness of the deductible on a case-by-case basis, taking into account the risk that such a deductible would pose to the borrower and the lender. Proposed Q&A Amount 9 also states that a lender may not allow the borrower to use a deductible amount equal to the insurable value of the property to avoid the mandatory purchase requirement for flood insurance. *See* 85 FR 40442 at 40463 (July 6, 2020).

[18] *See* 84 FR 4953 at 4957 (Feb. 20, 2019).

policies with amounts exceeding the maximum coverage under the NFIP, the lender should still match the SFIP deductible for the amount up to the maximum coverage amount under the NFIP but could exceed the maximum deductible for an SFIP for the coverage over the maximum coverage amount available under the NFIP. However, based on additional investigation, the Agencies understand that these types of tiered deductibles are not common and the guidance provided in the supplementary information may not be practicable. Therefore, the Agencies believe the guidance they are proposing in Q&A Private Flood Compliance 1 with respect to deductibles for private flood insurance policies accepted under the mandatory acceptance provision will be more consistent with private flood insurance policies available in the marketplace and safety and soundness standards.

Proposed Q&A Private Flood Compliance 1 would also provide guidance for accepting flood insurance policies issued by private insurers under the discretionary acceptance provision. Under the Regulation, the policy must provide sufficient protection of the loan, consistent with general safety and soundness principles. Proposed Q&A Private Flood Compliance 1 would note that among the factors a lender could consider in determining whether a policy provides sufficient protection of a loan is whether the policy's deductible is reasonable based on the borrower's financial condition. Therefore, unlike the limitation on deductibles for policies accepted under the mandatory acceptance provision for any total coverage amount up to the maximum available under the NFIP, the proposed answer would provide that a lender can accept a flood insurance policy issued by a private insurer under the discretionary acceptance provision with a deductible higher than that for an SFIP for a similar type of property, provided the lender has determined the policy provides sufficient protection of the loan, consistent with general safety and soundness principles.

Proposed Q&A Private Flood Compliance 1 would also include a reminder that, consistent with the guidance provided in proposed Q&A Amount 9 in the July 2020 Proposed Questions and Answers, a lender may not allow the borrower to use a deductible amount equal to the insurable value of the property to avoid the mandatory purchase requirement for flood insurance. This principle would apply whether the lender is evaluating the policy under the mandatory acceptance provision or the discretionary acceptance provision.

The Agencies also received questions on whether a lender may require that the deductible of any flood insurance policy issued by a private insurer be lower than the maximum deductible for an NFIP policy. New proposed Q&A Private Flood Compliance 2 would clarify that a lender may do so under both the mandatory acceptance provision and the discretionary acceptance provision. For the mandatory acceptance provision, the Regulation requires that the private flood insurance policy be at least as broad as an NFIP policy, which includes a requirement that the private flood insurance policy contain a deductible *no higher* than the specified maximum deductible for an SFIP. Therefore, the proposed answer would clarify that a lender may require a borrower's private flood insurance policy deductible be lower than the maximum deductible for an NFIP policy in connection with a policy that the lender accepts under the mandatory acceptance provision consistent with general safety and soundness principles and based on a borrower's financial condition, among other factors. With respect to the discretionary acceptance provision, the proposed answer would note that the lender need only consider whether the policy, including the stated deductible, provides sufficient protection of the loan, consistent with general safety and soundness principles. The proposed answer would also include a reference to proposed Q&A Private Flood Compliance 1.

Proposed new Q&A Private Flood Compliance 3 would provide guidance regarding whether a lender may charge fees to the borrower for the lender's use of a third party to review flood insurance policies. The proposed answer would provide that the Act and the Regulation do not prohibit lenders from charging fees to borrowers for contracting with a third party to review flood insurance policies, with references to Q&A Fees 1 and Q&A Fees 2 proposed in the July 2020 Proposed Questions and Answers.[19] The proposed answer would remind lenders that they should be aware of any other applicable requirements regarding fees and disclosures of fees.

Proposed new Q&A Private Flood Compliance 4 addresses the lender's responsibility to ensure a flood insurance policy issued by a private insurer meets the requirements of the Regulation if the policy is not available prior to loan closing. The proposed answer would provide that the Act and Regulation do not specify the acceptable types of documentation for a lender to rely on when reviewing a flood insurance policy issued by a private insurer. The proposed answer also would advise that lenders should determine whether they have sufficient evidence to show the policy meets the requirements under the Regulation and that if the lender does not have enough information to determine if the policy meets the private flood insurance requirements under the Regulation, then the lender should timely request additional information as necessary to complete its review. The proposed answer also would suggest some optional steps that a lender could take to mitigate against closing delays.

The Agencies received many questions requesting guidance on whether a declarations page provides sufficient information for a lender to determine whether the policy complies with the Regulation. Proposed new Q&A Private Flood Compliance 5 would note that the answer depends on the information contained in the declarations page. Under the proposed answer, if the declarations page provides sufficient information for the lender to determine whether the policy meets the mandatory acceptance provision or the discretionary acceptance provision of the Regulation or if the declarations pages contains the compliance aid assurance clause, then the lender may rely on the declarations page. However, if the declarations page does not provide sufficient information for the lender to determine whether the policy satisfies the mandatory acceptance or the discretionary acceptance provision of the Regulation, the proposed answer would suggest that the lender should request additional information about the policy to aid its determination.

Proposed new Q&A Private Flood Compliance 6 would provide guidance on a lender's ability to accept multiple-peril policies. Specifically, the proposed answer would clarify that a lender may accept multiple-peril policies that cover the hazard of flood under the private flood insurance provisions of the Regulation, provided they meet the requirements of the Regulation.

[19] Proposed Q&A Fees 1, adapted from current Q&A 69, lists the four instances in the Act and Regulation when a lender or servicer can charge the borrower a fee for making a flood determination. Proposed Q&A Fees 2, adapted from current Q&A 70, provides that charges made for life-of-loan reviews by determination firms may be passed to the borrower under certain conditions. *See* 85 FR 40442 at 40459–60 (July 6, 2020).

Proposed new Q&A Private Flood Compliance 7 would address the question of how the private flood insurance requirements of the Regulation would work in conjunction with requirements of secondary market investors, such as the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). The proposed answer would first remind lenders that they must comply with the Federal flood insurance requirements. The proposed answer would then note that secondary market investor requirements are separate from the requirements of the Regulation. Therefore, if a lender plans to sell loans to such an investor, the proposed answer would advise that a lender should carefully review the investor's requirements and direct questions regarding these requirements to the appropriate entities.

The Agencies are proposing new Q&A Private Flood Compliance 8 to provide guidance to servicers for loans covered by flood insurance mandated by the Act. Specifically, the proposed answer would clarify that for loans serviced on behalf of lenders supervised by the Agencies, the servicer must comply with the Regulation in determining whether a flood insurance policy issued by a private insurer must be accepted under the mandatory acceptance provision or may be accepted under the discretionary acceptance or mutual aid provisions. However, for loans serviced on behalf of other entities not supervised by the Agencies, the proposed answer would state that the servicer should comply with the terms of its contract with such an entity. The proposed answer would suggest that when servicing loans on behalf of Fannie Mae or Freddie Mac, where there are insurer rating requirements specified within those entities' servicing guidance or other relevant authorities that are not included in the Regulation, the servicer should adhere to those servicing requirements.

The Agencies also propose to add three new Q&As to provide guidance regarding optional methods lenders can use to address questions on whether an insurer is licensed, admitted, or otherwise approved to do business in a particular State, which is one of the factors lenders must evaluate under both the mandatory acceptance and discretionary acceptance provisions. Proposed new Q&A Private Flood Compliance 9 would explain how a lender could determine whether an insurer is licensed, admitted, or otherwise approved in a particular State, or whether a surplus lines [20] or nonadmitted alien insurer [21] is permitted to issue an insurance policy in a particular State. The proposed answer would suggest that a lender may review the website of the State insurance regulator where the collateral property is located to determine whether a particular insurer is licensed, admitted, or otherwise permitted to issue insurance in a particular State. The proposed answer also would advise that a lender could contact the State insurance regulator directly. Further, the proposed answer notes that the information with respect to surplus lines insurer eligibility may be available in the Consumer Insurance Search (CIS) tool available on the National Association of Insurance Commissioners (NAIC) website.[22] The proposed answer would state that lenders also may consult commercial service providers regarding the eligibility of surplus lines insurers in particular States as long as the lenders have a reasonable basis to believe that these service providers have reliable information. With regard to nonadmitted alien insurers in particular, the proposed answer would suggest that lenders could review the NAIC's Quarterly Listing of Alien Insurers.[23]

Proposed new Q&A Private Flood Compliance 10 would address whether lenders may accept policies issued by private insurers that are surplus lines insurers for noncommercial residential properties. The proposed answer would explain that if the surplus lines insurer is eligible or not disapproved to place insurance in the State or jurisdiction in which the property to be insured is located, lenders may accept policies issued by surplus lines insurers as coverage for noncommercial (*i.e.,* residential) properties. In addition, consistent with the Act and the Regulation, the proposed answer would confirm that policies issued by surplus lines insurers for noncommercial properties are covered in the definition of ''private flood insurance'' and in the discretionary acceptance provision.[24] In the definition of ''private flood insurance,'' surplus lines policies for noncommercial properties are covered as policies that are issued by insurance companies that are ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located.'' The proposed answer also would note that within the discretionary acceptance provision, noncommercial residential policies issued by surplus lines carriers are covered as policies that are issued by private insurance companies that are ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located.''

As noted above, if the surplus lines insurer is eligible or not disapproved to place insurance in the State or jurisdiction in which a property to be insured is located, the surplus lines insurer is deemed to be ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located'' for purposes of the Act and Regulation. Therefore, the proposed answer would note that even if the surplus lines insurer is not considered to be engaged in the business of insurance under applicable State law, the surplus lines insurer nevertheless would meet the criteria *only* for purposes of this provision of the Regulation if the insurer is eligible or not disapproved to place insurance in the State or jurisdiction in which a property to be insured is located.

For example, under section 1776 of the California Insurance Code, the

[20] The National Association of Insurance Commissioners (NAIC) notes, ''[t]he surplus lines market (inclusive of U.S. and non-U.S. domiciled insurers) is a distinct segment of the industry consisting of non-admitted specialized insurers covering risks not available within the admitted market . . . Surplus lines insurers are subject to regulatory requirements and are overseen for solvency by their domiciliary [S]tate or country.'' *https://content.naic.org/cipr_topics/topic_surplus_lines.htm.* For specific definitions related to surplus lines insurers, lenders should review the State law in which the property is located.

[21] The NAIC notes that ''[w]hereas [S]tates monitor the eligibility of U.S. domiciled surplus lines insurers, alien insurers eligible to write surplus lines premium are listed on the NAIC Quarterly Listing of Alien Insurers [*https://www.naic.org/prod_serv_alpha_listing.htm#quarterly_alien*] ... [Alien insurers] are prohibited from establishing a U.S. branch office.'' *https://content.naic.org/cipr_topics/topic_surplus_lines.htm.*

[22] *See https://content.naic.org/cis_consumer_information.htm.*

[23] *See https://www.naic.org/prod_serv_alpha_listing.htm#quarterly_alien.*

[24] During discussion of the Biggert-Waters Act on the Senate floor, Sen. Crapo noted that surplus lines insurers can provide flood insurance coverage for residential properties and asked for clarification regarding the inclusion of surplus lines coverage in the definition of ''private flood insurance.'' In his response, Sen. Johnson stated, ''[T]he definition of 'private flood insurance' includes private flood insurance provided by a surplus lines insurer and is not intended to limit surplus lines eligibility to nonresidential properties. While the Senator is correct that surplus lines insurance is specifically mentioned in that context, overall the definition accommodates private flood insurance from insurers who are 'licensed, admitted, or otherwise approved' in the State where the property is located.'' 158 Cong. Rec. S6051 (daily ed. Sept. 10, 2012).

permission granted to allow an insurance policy issued by a nonadmitted insurer to be placed in California, ''shall not be deemed or construed to authorize any insurer to do business in [California].'' [25] In addition, section 1776 of the California Insurance Code states that ''[p]lacement activities of a licensed surplus line broker in accordance with [California law], including, but not limited to, policy issuance, shall not be deemed or construed to be business done by the insurer in [California].'' [26] However, it is the Agencies' understanding that these provisions of California law do not make ineligible or disapprove any individual surplus lines insurer from placing insurance in California if they meet all other applicable requirements in California law. Consequently, a surplus lines insurer that is eligible or not disapproved to place insurance in California is ''otherwise approved'' for purposes of the Regulation even though the surplus lines insurer is not authorized to do business in California for purposes of Section 1776 of the California Insurance Code.

Proposed new Q&A Private Flood Compliance 11 would address whether a lender may accept a private flood insurance policy that includes a compliance aid assurance clause, but also includes a disclaimer that the ''insurer is not licensed in the State or jurisdiction in which the property is located.'' The proposed answer would explain that there are circumstances under which lenders may accept a policy issued by an insurer that is not licensed in the State or jurisdiction in which the property is located. For example, a lender would be able to accept a policy issued by a surplus lines insurer recognized or not disapproved by the relevant State insurance regulator as protection for loan collateral that is a nonresidential commercial property. The proposed answer would also provide that a lender may accept a policy issued by a surplus lines insurer as protection for loan collateral that includes residential property as a policy issued by an insurance company that is ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located.'' The proposed answer would include a cross-reference to proposed Q&A Private Flood Compliance 10.

[25] Cal. Ins. Code § 1776.

[26] *Id.*

Interagency Questions and Answers Regarding Private Flood Insurance

I. Private Flood Insurance—Mandatory Acceptance

Mandatory 1. May a lender decide to only accept private flood insurance policies under the mandatory acceptance provision of the Regulation?

Yes. A lender is only required to accept flood insurance policies issued by a private insurer that meet the definition of ''private flood insurance'' under the Regulation. A lender is not required to accept flood insurance policies that only meet the criteria set forth in the discretionary acceptance or mutual aid provision of the Regulation.

Mandatory 2. Apart from loan origination, when must a lender review a flood policy issued by a private flood insurer?

Once a flood insurance policy issued by a private insurer comes up for renewal or any time the borrower presents the lender with any new flood insurance policy issued by a private insurer, regardless of whether a triggering event occurred (making, increasing, extending or renewing a loan), the lender must review the policy to determine whether it meets the mandatory acceptance criteria.[27] A lender may determine that the policy meets the mandatory acceptance criteria without further review if the policy or an endorsement to the policy includes the compliance aid assurance clause.[28] If the policy does not meet the mandatory acceptance criteria, the lender may still accept the policy if it meets the discretionary acceptance criteria or, if applicable, the mutual aid plan criteria. If the policy does not meet the mandatory acceptance, discretionary acceptance, or mutual aid plan criteria, the lender must notify the borrower in accordance with the force placement provisions of the Regulation.[29] If the borrower does not purchase flood insurance that complies with the Regulation, the lender must purchase insurance on the borrower's behalf.[30]

If the lender has previously reviewed the flood insurance policy under the discretionary acceptance provision to ensure that the policy meets the private flood insurance requirements of the Regulation, the lender may rely on its previous review, provided there are no changes to the terms of the policy. However, as required by the Regulation, the lender must document its conclusion regarding sufficiency of protection of the loan in writing.[31] *See* Q&A Discretionary 4.

Mandatory 3. If a lender has a policy not to originate a mortgage in non-participating communities or coastal barrier regions where the NFIP is not available, do the private flood insurance requirements under the Regulation require a lender to change its policy?

The Regulation does not require that a lender originate a loan that does not meet the lender's underwriting criteria. The Agencies note that the flood insurance purchase requirement only applies to loans secured by structures located or to be located in an SFHA in which flood insurance is available under the Act.[32] As noted in Q&A Applicability 1, the flood insurance purchase requirement does not apply within non-participating communities, where NFIP insurance is not available under the Act. Therefore, the lender does not need to change its policy of not originating mortgages in areas where NFIP insurance is unavailable solely because of the private flood insurance requirements under the Regulation.

Mandatory 4. Did the Agencies intend the compliance aid assurance clause to act as a conformity clause that would make a private policy conform to the definition of private flood insurance?

No. The Agencies did not intend the compliance aid assurance clause to act as a conformity clause. Rather, the compliance aid assurance clause is intended to facilitate the ability of lenders, as well as consumers, to recognize policies that meet the definition of ''private flood insurance'' and promote the consistent acceptance of policies that meet this definition. The compliance aid provision is intended to leverage the expertise of insurers to assist lenders in satisfying the requirements of the Regulation.

[27] *See* 12 CFR 22.3(c)(1) (OCC); 12 CFR 208.25(c)(3)(i) (Board); 12 CFR 339.3(c)(1) (FDIC); 12 CFR 614.4930(c)(1) (FCA); and 12 CFR 760.3(c)(1) (NCUA).

[28] 12 CFR 22.3(c)(2) (OCC); 12 CFR 208.25(c)(3)(ii) (Board); 12 CFR 339.3(c)(2) (FDIC); 12 CFR 614.4930(c)(2) (FCA); and 12 CFR 760.3(c)(2) (NCUA).

[29] 12 CFR 22.7 (OCC); 12 CFR 208.25(g) (Board); 12 CFR 339.7 (FDIC); 12 CFR 614.4945 (FCA); and 12 CFR 760.7 (NCUA).

[30] 12 CFR 22.7(a) (OCC); 12 CFR 208.25(g)(1) (Board); 12 CFR 339.7(a) (FDIC); 12 CFR 614.4945(a) (FCA); and 12 CFR 760.7(a) (NCUA).

[31] 12 CFR 22.3(c)(3) (OCC); 12 CFR 208.25(c)(3)(iii) (Board); 12 CFR 339.3(c)(3) (FDIC); 12 CFR 614.4930(c)(3) (FCA); and 12 CFR 760.3(c)(3) (NCUA).

[32] Public Law 93–234, 87 Stat. 975 (1973).

Mandatory 5. Is a lender required to accept a flood insurance policy issued by a private insurer that includes the compliance aid assurance clause? Conversely, may a lender reject a flood insurance policy issued by a private insurer solely because it does not contain the compliance aid assurance clause?

A lender is not required to accept a flood insurance policy issued by a private insurer solely because the policy contains the compliance aid assurance clause if the lender chooses to conduct its own review and determines the flood insurance policy actually does not meet the mandatory acceptance requirements.

If a flood insurance policy issued by a private insurer does not include the compliance aid assurance clause, the lender must still review the policy to determine if it meets the requirements for private flood insurance as set forth in the Regulation before the lender may choose to reject the policy.[33]

Mandatory 6. If a flood insurance policy issued by a private insurer includes the compliance aid assurance clause, does a lender need to conduct an additional review of the policy for compliance with the mandatory acceptance provision of the Regulation?

No, under the mandatory acceptance provision of the Regulation, if a policy or an endorsement to the policy contains the compliance aid assurance clause, further review is not necessary in order for the lender to determine that a policy meets the definition of ''private flood insurance.'' [34]

It is important to note that, in order for the lender to rely on the compliance aid assurance clause without further review of the policy, the language of the compliance aid assurance clause must be stated in the policy, or as an endorsement to the policy, as set forth in the Regulation. If the language is different from the compliance aid assurance clause set forth in the Regulation, the lender cannot rely on the protections of the compliance aid assurance clause in the Regulation and should review the policy to determine if it meets the definition of private flood insurance. However, a policy containing the compliance aid assurance clause need not be rejected if there are stylistic differences, such as formatting, font, and punctuation that do not change the substantive meaning of the clause, from the compliance aid assurance clause included in the Regulation. *See also* Q&A Mandatory 7.

Mandatory 7. What additional reviews does a lender need to conduct if the flood insurance policy issued by a private insurer includes the compliance aid assurance clause?

Although a lender may rely on the compliance aid assurance clause to determine that a flood insurance policy meets the definition of private flood insurance in the Regulation, the lender must also ensure that the coverage is at least equal to the lesser of the outstanding principal balance of the designated loan, or the maximum limit of coverage available for the particular type of property under the Act.[35] The lender should also ensure that other key aspects of the policy are accurate, such as the borrower's name and property address. *See also* Q&A Mandatory 6.

Mandatory 8. If a flood insurance policy issued by a private issuer does not include a compliance aid assurance clause, can a lender use the criteria under the discretionary acceptance provision to decide whether to accept the policy without first checking to see if the policy meets the criteria under the mandatory acceptance provision?

Yes, the lender may first review the policy to determine whether it meets the criteria under the discretionary acceptance provision.[36] However, even if the policy does not meet the discretionary acceptance criteria, the lender will still need to determine whether it must accept the policy under the mandatory acceptance criteria.[37]

Note that if the lender accepts a policy under the discretionary acceptance provision, the Regulation requires the lender to document that the policy provides sufficient protection of the loan.[38]

Mandatory 9. If the compliance aid assurance clause is on the declarations page, may a lender accept the policy without further review?

If the compliance aid assurance clause is included on the declarations page, a lender may accept the policy without further review to determine whether the policy meets the definition of private flood insurance. However, a lender must also ensure compliance with the mandatory purchase requirement. *See* Q&A Mandatory 7.

II. Private Flood Insurance—Discretionary Acceptance

Discretionary 1. Are lenders required to accept flood insurance policies that meet the discretionary acceptance criteria?

No, the discretionary acceptance criteria in the Regulation sets forth the minimum acceptable criteria that a flood insurance policy must have for the lender to accept the policy under the discretionary acceptance provision. It is at the lender's discretion to accept a policy that meets the discretionary acceptance criteria so long as the policy does not meet the mandatory acceptance criteria.

Discretionary 2. If the lender determines that a flood insurance policy meets the discretionary acceptance criteria and accepts that policy, what documentation will demonstrate that the policy provides sufficient protection of the loan, consistent with general safety and soundness principles?

The Regulation requires the lender to document its conclusion in writing that the policy provides sufficient protection of the loan, consistent with general safety and soundness principles (s*ee also* Q&A Coverage 1). While the Regulation does not require any specific documentation to demonstrate that the policy provides sufficient protection of the loan, lenders may include any information that reasonably supports the lender's conclusion following review of the policy.

Discretionary 3. How can a lender evaluate the sufficiency of an insurer's solvency, strength, and ability to satisfy claims when determining whether a flood insurance policy provides sufficient protection of the loan, consistent with general safety and soundness principles?

A lender may evaluate an insurer's solvency, strength, and ability to satisfy claims by obtaining information from the State insurance regulator's office of the State in which the property securing the loan is located, among other options. A lender can rely on the licensing or other processes used by the State insurance regulator for such an evaluation. *See* Q&A Coverage 1.

[33] 12 CFR 22.3(c) (OCC); 12 CFR 208.25(c)(3) (Board); 12 CFR 339.3(c) (FDIC); 12 CFR 614.4930(c) (FCA); and 12 CFR 760.3(c) (NCUA).

[34] 12 CFR 22.3(c)(2) (OCC); 12 CFR 208.25(c)(3)(ii) (Board); 12 CFR 339.3(c)(2) (FDIC); 12 CFR 614.4930(c)(2) (FCA); and 12 CFR 760.3(c)(2) (NCUA).

[35] 12 CFR 22.3(a) (OCC); 12 CFR 208.25(c)(1) (Board); 12 CFR 339.3(a) (FDIC); 12 CFR 614.4930(a) (FCA); and 12 CFR 760.3(a) (NCUA).

[36] 12 CFR 22.3(c)(3) (OCC); 12 CFR 208.25(c)(3)(iii) (Board); 12 CFR 339.3(c)(3) (FDIC); 12 CFR 614.4930(c)(3) (FCA); and 12 CFR 760.3(c)(3) (NCUA).

[37] 12 CFR 22.3(c) (OCC); 12 CFR 208.25(c)(3) (Board); 12 CFR 339.3(c) (FDIC); 12 CFR 614.4930(c) (FCA); and 12 CFR 760.3(c) (NCUA).

[38] 12 CFR 22.3(c)(3) (OCC); 12 CFR 208.25(c)(3)(iii) (Board); 12 CFR 339.3(c)(3) (FDIC); 12 CFR 614.4930(c)(3) (FCA); and 12 CFR 760.3(c)(3) (NCUA).

Discretionary 4. If a flood insurance policy issued by a private insurer that was originally accepted in accordance with the discretionary acceptance requirements is renewed annually, is the lender required to review the policy upon renewal?

If a lender had accepted a flood insurance policy issued by a private insurer in accordance with the discretionary acceptance requirements and the policy is renewed, the lender must review the policy upon renewal to ensure that it continues to meet the discretionary acceptance requirements.[39] The lender must also document its conclusion regarding sufficiency of the protection of the loan in writing upon each renewal to indicate that the policy continues to provide sufficient protection of the loan.[40]

III. Private Flood Insurance—Private Flood Compliance

Private Flood Compliance 1. What is the maximum deductible a flood insurance policy issued by a private insurer can have for residential or commercial properties located in an SFHA?

The maximum deductible for a flood insurance policy issued by a private insurer varies depending on whether the lender accepts the policy under the mandatory acceptance or the discretionary acceptance provision. For purposes of compliance with the mandatory acceptance provision, the Regulation provides that a policy must contain a deductible that is ''at least as broad as'' in a Standard Flood Insurance Policy (SFIP)—*i.e.,* no higher than the specified maximum under an SFIP—for any total coverage amount up to the maximum available under the NFIP at the time the policy is provided to the lender.[41] For a private policy with a coverage amount exceeding that available under the NFIP, the deductible may exceed the specific maximum deductible under an SFIP. However, for safety and soundness purposes, the lender should consider whether the deductible is reasonable based on the borrower's financial condition, among other factors. *See* Q&A Amount 9.

- For example, if a private policy for a commercial building provided $1,000,000 of flood insurance coverage, which is in excess of the NFIP maximum coverage of $500,000 for a commercial building, then it would be acceptable for a million-dollar policy to have a deductible higher than the maximum deductible for a policy available under the NFIP. The lender should consider whether the deductible is reasonable based on the borrower's financial condition.
- Similarly, if a private policy for a residential building provided $1,000,000 of flood insurance coverage, which is in excess of the NFIP maximum coverage of $250,000 for a residential building, then it would be acceptable for a million-dollar policy to have a deductible higher than the maximum deductible for a policy available under the NFIP. The lender should consider whether the deductible is reasonable based on the borrower's financial condition.

For purposes of compliance with the discretionary acceptance provision, the Regulation requires that the policy provide sufficient protection of the loan, consistent with general safety and soundness principles.[42] Among the factors a lender could consider in determining whether a policy provides sufficient protection of a loan is whether the policy's deductible is reasonable based on the borrower's financial condition. Unlike the limitation on deductibles for policies accepted under the mandatory acceptance provision for any total coverage amount up to the maximum available under the NFIP, a lender can accept a flood insurance policy issued by a private insurer under the discretionary acceptance provision with a deductible higher than that for an SFIP for a similar type of property, provided the lender has determined the policy provides sufficient protection of the loan, consistent with general safety and soundness principles.

Whether the lender is evaluating the policy under the mandatory acceptance provision or the discretionary acceptance provision, a lender may not allow the borrower to use a deductible amount equal to the insurable value of the property to avoid the mandatory purchase requirement for flood insurance.[43] *See* Q&A Amount 9.

Private Flood Compliance 2. May a lender require that the deductible of any flood insurance policy issued by a private insurer be lower than the maximum deductible for an NFIP policy?

Yes. If the lender is accepting the private flood insurance policy under the mandatory acceptance provision, the Regulation requires that the private flood insurance policy be at least as broad as an NFIP policy, which includes a requirement that the private flood insurance policy contain a deductible *no higher* than the specified maximum deductible for a Standard Flood Insurance Policy (SFIP).[44] The lender may require a borrower's private flood insurance policy deductible be lower than the maximum deductible for an NFIP policy in connection with a policy that the lender accepts under the mandatory acceptance provision, consistent with general safety and soundness principles and based on a borrower's financial condition, among other factors.

If the lender is accepting a flood insurance policy issued by a private insurer under the discretionary acceptance provision, the lender need only consider whether the policy, including the stated deductible, provides sufficient protection of the loan, consistent with general safety and soundness principles.[45] *See also* Q&A Private Flood Compliance 1.

Private Flood Compliance 3. If a lender utilizes a third party to review flood insurance policies, would it be permissible for a lender to charge the borrower a fee for this review?

The Act and the Regulation do not prohibit lenders from charging fees to borrowers for contracting with third parties to review flood insurance policies. As explained in Q&A Fees 1 and Q&A Fees 2, lenders may charge limited, reasonable fees for flood determinations and life-of-loan monitoring. Similarly, the Act and the Regulation do not prohibit lenders from charging a fee to a borrower when a third party reviews a flood insurance policy issued by a private insurer. However, lenders should be aware of any other applicable requirements regarding fees and disclosures of fees.

[39] 12 CFR 22.3(c) (OCC); 12 CFR 208.25(c)(3) (Board); 12 CFR 339.3(c) (FDIC); 12 CFR 614.4930(c) (FCA); and 12 CFR 760.3(c) (NCUA).

[40] 12 CFR 22.3(c)(3) (OCC); 12 CFR 208.25(c)(3)(iii) (Board); 12 CFR 339.3(c)(3) (FDIC); 12 CFR 614.4930(c)(3) (FCA); and 12 CFR 760.3(c)(3) (NCUA).

[41] 12 CFR 22.2(k) (OCC); 12 CFR 208.25(b)(9) (Board); 12 CFR 339.2 (FDIC); 12 CFR 614.4925 (FCA); and 12 CFR 760.2 (NCUA).

[42] 12 CFR 22.3(c)(3)(iv) (OCC); 12 CFR 208.25(c)(3)(iii)(D) (Board); 12 CFR 339.3(c)(3)(iv) (FDIC); 12 CFR 614.4930(c)(3)(iv) (FCA); and 12 CFR 760.3(c)(3)(iv) (NCUA).

[43] 12 CFR 22.3(a) (OCC); 12 CFR 208.25(c)(1) (Board); 12 CFR 339.3(a) (FDIC); 12 CFR 614.4930(a) (FCA); and 12 CFR 760.3(a) (NCUA).

[44] 12 CFR 22.2(k)(2)(iii) (OCC); 12 CFR 208.25(b)(9)(ii)(B) (Board); 12 CFR 339.2 (FDIC); 12 CFR 614.4925 (FCA); and 12 CFR 760.2 (NCUA).

[45] 12 CFR 22.3(c)(3)(iv)(D) (OCC); 12 CFR 208.25(c)(3)(iii)(D) (Board); 12 CFR 339.3(c)(3)(iv) (FDIC); 12 CFR 614.4930(c)(3)(iv) (FCA); and 12 CFR 760.3(c)(3)(iv) (NCUA).

Private Flood Compliance 4. If the policy is not available prior to closing, what can the lender rely on to make sure the policy meets the requirements of the Regulation?

The Act and Regulation do not specify the acceptable types of documentation for a lender to rely on when reviewing a flood insurance policy issued by a private insurer. Lenders should determine whether they have sufficient evidence to show the policy meets the requirements under the Regulation.

Lenders can take steps to help mitigate against closing delays such as designating employees responsible for reviewing flood policies, training employees, and requesting additional information from insurers early in the process. If the lender does not have enough information to determine if the policy meets the private flood insurance requirements under the Regulation, then the lender should timely request additional information as necessary to complete its review.

Private Flood Compliance 5. Under existing force placement requirements, a declarations page is sufficient to evidence a borrower's purchase of a flood insurance policy. Does the declarations page have sufficient information for a lender to determine whether the policy complies with the Regulation?

It depends. If the declarations page provides enough information for the lender to determine whether the policy meets the mandatory acceptance provision or discretionary acceptance provision of the Regulation or if the declarations pages contains the compliance aid assurance clause, then the lender may rely on the declarations pages. However, if the declarations page does not provide enough information for the lender to determine whether the policy satisfies the mandatory acceptance provision or discretionary acceptance provision of the Regulation, the lender should request additional information about the policy to aid in making its determination.

Private Flood Compliance 6. May a lender accept a multiple-peril policy issued by a private insurer to satisfy the mandatory purchase of flood insurance requirement?

Yes. A lender can accept a multiple-peril policy that covers the hazard of flood under the private flood insurance provisions of the Regulation, provided the policy meets the requirements under the Regulation.

Private Flood Compliance 7. How do the private flood insurance requirements of the Regulation, especially the compliance aid assurance clause, work in conjunction with the requirements from secondary market investors (for example, the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac))?

Lenders must comply with Federal flood insurance requirements. The requirements for the secondary market are separate from the Regulation. A lender should carefully review these separate requirements for secondary market investors regarding acceptable private flood insurance if the lender plans to sell loans to such investors and should direct questions regarding these requirements to the appropriate entities.

Private Flood Compliance 8. When servicing a loan covered by flood insurance pursuant to the Act and the Regulation, which requirements must a servicer follow in evaluating the acceptance of a flood insurance policy issued by a private insurer?

For loans serviced on behalf of lenders supervised by the Agencies, the servicer must comply with the Regulation in determining whether a flood insurance policy issued by a private insurer must be accepted under the mandatory acceptance provision or may be accepted under the discretionary acceptance provision or mutual aid provision. For loans serviced on behalf of other entities not supervised by the Agencies, the servicer should comply with the terms of its contract with that entity. For example, when servicing loans on behalf of Fannie Mae or Freddie Mac, where there are insurer rating requirements specified within those entities' servicing guidance or other relevant authorities that are not required in the Regulation, the servicer should adhere to those servicing requirements.

Private Flood Compliance 9. How can a lender determine: (i) Whether an insurer is licensed or admitted in a particular State, (ii) or whether a surplus lines or nonadmitted alien insurer is permitted to issue an insurance policy in a particular State?

A lender may refer to the website of the State insurance regulator where the collateral property is located to determine whether a particular insurer is licensed, admitted, or otherwise permitted to issue an insurance policy in a particular State. If the lender cannot determine this information from the website, the lender could contact the State insurance regulator directly. Further, information with respect to surplus lines insurer eligibility also may be available in the Consumer Insurance Search (CIS) tool available on the National Association of Insurance Commissioners (NAIC) website. Lenders may consult commercial service providers regarding the eligibility of surplus lines insurers in particular States provided the lenders have a reasonable basis to believe that these service providers have reliable information.

With regard to nonadmitted alien insurers in particular, lenders could review the NAIC's Quarterly Listing of Alien Insurers.[46]

Private Flood Compliance 10. May lenders accept policies issued by private insurers that are surplus lines insurers for noncommercial residential properties?

Yes, if the surplus lines insurer is eligible or not disapproved to place insurance in the State or jurisdiction in which the property to be insured is located, lenders may accept policies issued by surplus lines insurers as coverage for noncommercial (*i.e.,* residential) properties.

Consistent with the Act and the Regulation, the Agencies confirm that policies issued by surplus lines insurers for noncommercial properties are covered in the definition of ''private flood insurance'' and in the discretionary acceptance provision. In the definition of ''private flood insurance,'' surplus lines policies for noncommercial properties are covered as policies that are issued by insurance companies that are ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located.'' [47] Similarly, within the discretionary acceptance provision, noncommercial residential policies issued by surplus lines carriers are covered as policies that are issued by private insurance companies that are ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located.'' [48]

For purposes of the Regulation, the meaning of ''otherwise approved'' is

[46] *See* 15 U.S.C. 8204.

[47] *See* 84 FR 4955–4956 (Feb.20, 2019). *See also* 12 CFR 22.2(k)(1)(i) (OCC); 12 CFR 208.25(b)(9)(i)(A) (Board); 12 CFR 339.2 (FDIC); 12 CFR 614.4925 (FCA); and 12 CFR 760.2 (NCUA).

[48] *See* 84 FR 4962 (Feb. 20, 2019). *See also* 12 CFR 22.3(c)(3)(ii) (OCC); 12 CFR 208.25(c)(3)(iii)(B) (Board); 12 CFR 339.3(c)(3)(ii) (FDIC); 12 CFR 614.4930(c)(3)(ii) (FCA); and 12 CFR 760.3(c)(3)(ii) (NCUA).

based on whether applicable State law provides that the surplus lines insurer is eligible or not disapproved to place insurance in that State. Even if the surplus lines insurer is not considered to be engaged in the business of insurance under applicable State law, the surplus lines insurer would still be ''otherwise approved'' only for purposes of this provision of the Regulation if the insurer is eligible or not disapproved to place insurance in the State.

Private Flood Compliance 11. May a lender accept a private flood insurance policy that includes a compliance aid assurance clause, but also includes a disclaimer explaining that the ''insurer is not licensed in the State or jurisdiction in which the property is located,'' which suggests that the policy is issued by a surplus lines insurer?

Even if the policy includes a statement indicating that the insurer is not licensed in the State or jurisdiction in which the property is located, suggesting that the policy is issued by a surplus lines insurer, there are circumstances under which lenders may accept the policy. A lender may accept a policy issued by a surplus lines insurer recognized or not disapproved by the relevant State insurance regulator as protection for loan collateral that is a commercial property. Also, a lender may accept a policy issued by a surplus lines insurer as protection for loan collateral that is a noncommercial property as a policy issued by an insurance company that is ''otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located.'' *See* Q&A Private Flood Compliance 10.

Blake J. Paulson,

Acting Comptroller of the Currency.

Ann Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on or about January 12, 2021.

James P. Sheesley,

Assistant Executive Secretary.

Dated at McLean, VA, this 1st day of March 2021.

Dale Aultman,

Secretary, Farm Credit Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board, National Credit Union Administration.

[FR Doc. 2021–05314 Filed 3–17–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–806]

Schedules of Controlled Substances: Placement of Four Specific Fentanyl-Related Substances in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate), *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide (*ortho*-fluoroacryl fentanyl), *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide (*ortho*-fluoroisobutyryl fentanyl), and *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (*para*-fluoro furanyl fentanyl), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, in schedule I of the Controlled Substances Act. These four specific substances fall within the definition of fentanyl-related substances set forth in the February 6, 2018, temporary scheduling order. Through the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. If finalized, this action would make permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl.

DATES: Comments must be submitted electronically or postmarked on or before April 19, 2021.

Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing must be received on or before April 19, 2021.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–806'' on all electronic and written correspondence, including any attachments.

• *Electronic comments:* Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). The Drug Enforcement Administration (DEA) encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

• *Paper comments:* Paper comments that duplicate the electronic submission are not necessary. Should you wish to mail a paper comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

• *Hearing requests:* Interested persons may file a request for hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.45 and/or 1316.47, as applicable. All requests for hearing and waivers of participation must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information and confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this proposed rule are available at *http://www.regulations.gov* for easy reference.

Request for Hearing or Waiver of Participation in a Hearing

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 551–559. 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D. Interested persons may file requests for hearing or notices of intent to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(a) or (b), and include a statement of interest in the proceeding and the objections or issues, if any, concerning which the person desires to be heard. Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing together with a written statement regarding the interested person's position on the matters of fact and law involved in any hearing as set forth in 21 CFR 1308.44(c).

All requests for a hearing and waivers of participation must be sent to DEA using the address information provided above.

Legal Authority

The Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on his own motion. 21 U.S.C. 811(a). This proposed action is supported by a recommendation from the Acting Assistant Secretary for Health of U.S. Department of Health and Human Services (HHS) (Acting Assistant Secretary) and an evaluation of all other relevant data by DEA. If finalized, this action would make permanent the existing temporary regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl.

Background

On February 6, 2018, pursuant to 21 U.S.C. 811(h)(1), the then-Acting Administrator of DEA published an order in the **Federal Register** (83 FR 5188) temporarily placing fentanyl-related substances, as defined in that order, in schedule I of the CSA upon finding that these substances pose an imminent hazard to the public safety. As discussed below in Factor 3, the four substances named in this proposed rule (fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl) meet the existing definition of fentanyl-related substances as they are not otherwise controlled in any other schedule (*i.e.,* not included under another Administration Controlled Substance Code Number) and are structurally related to fentanyl by one or more of the five modifications listed under the definition.

That temporary order was effective upon the date of publication. Pursuant to 21 U.S.C. 811(h)(2), the temporary control of fentanyl-related substances, a class of substances as defined in the order, as well as the four specific substances already covered by that order, was set to expire on February 6, 2020. However, as explained in DEA's April 10, 2020, correcting amendment (85 FR 20155), Congress overrode and extended that expiration date until May 6, 2021, by enacting on February 6, 2020 the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Pub. L. 116–114, sec. 2, 134 Stat. 103). By operation of law, the temporary control of fentanyl-related substances, which includes these four covered substances, will remain in effect until May 6, 2021, unless DEA permanently places them in schedule I prior to May 6, 2021. As discussed in the above Legal Authority section, proceedings under 21 U.S.C. 811(a) may be initiated by the Administrator of DEA on his own motion.

The Acting Administrator, on his own motion, is initiating proceedings to permanently schedule the following four fentanyl-related substances: Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl. DEA gathered the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for 16 fentanyl-related substances (the four that are the subject of this proposed rule as well as 12 other fentanyl-related substances [1]). On April 3, and October 2, 2019, the then-Acting Administrator submitted this data to the Assistant Secretary for Health of HHS, and requested that HHS provide DEA with a scientific and medical evaluation and a scheduling recommendation for these 16 fentanyl-related substances, in accordance with 21 U.S.C. 811(b) and (c). On July 2, 2020, HHS provided DEA with a scientific and medical evaluation and scheduling recommendation for 11

[1] 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, benzodioxole fentanyl, crotonyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetylfentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl.

of the 12 [2] other fentanyl-related substances (none of which included the four substances named in this proposed rule). In October 2020 and March 2021, DEA issued two scheduling actions for these 11 substances, with one action permanently controlling one of the 11 substances, and another action proposing the continued control of 10 substances.[3]

On March 2, 2021, the Acting Assistant Secretary submitted to the Acting Administrator, HHS's scientific and medical evaluation and scheduling recommendation for the four fentanyl-related substances named in this proposed rule. Upon receipt of the scientific and medical evaluation and scheduling recommendation from HHS, DEA reviewed these documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of the four substances in accordance with 21 U.S.C. 811(c).

Proposed Determination to Permanently Schedule Fentanyl Carbamate, ortho-Fluoroacryl Fentanyl, ortho-Fluoro Isobutyryl Fentanyl, and para-Fluoro Furanyl Fentanyl

As discussed in the background section, the Acting Administrator is initiating proceedings to permanently add fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl to schedule I. DEA has reviewed the scientific and medical evaluation and scheduling recommendation from HHS, and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of these four substances. Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in its proposed scheduling action. Please note that both the DEA and HHS 8-Factor analyses and the Acting Assistant Secretary's March 2, 2021, letter are available in their entirety under the tab ''Supporting Documents'' of the public docket for this action at *http://www.regulations.gov* under Docket Number ''DEA–806.''

1. *The Drug's Actual or Relative Potential for Abuse:* The term ''abuse'' is not defined in the CSA. However, the legislative history of the CSA suggests that DEA consider the following criteria when determining whether a particular drug or substance has a potential for abuse: [4]

(a) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community; or

(b) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

(c) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

(d) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

The abuse potential of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl is associated with their pharmacological similarity to other schedule I (acetyl fentanyl and furanyl fentanyl) and II mu-opioid receptor agonist substances, which have a high potential for abuse. Similar to schedule II substances morphine and fentanyl, these four fentanyl-related substances have been shown to bind and act as mu-opioid receptor agonists.

These four substances have no approved medical use in the United States and have been encountered on the illicit drug market. The use of some fentanyl-related substances has been associated with adverse health outcomes, including death. The appearance of several substances structurally related to fentanyl in the illicit drug market has resulted in a significant increase in drug overdose deaths in the United States. According to the Centers for Disease Control and Prevention (CDC) overdose death data for 2019, there continues to be an increase in the number of deaths related to synthetic opioids. Opioids were involved in about 71 percent of all drug-involved overdose deaths in 2019. Further, CDC reports demonstrate that the increase in synthetic opioid overdose deaths are largely attributed to an increase in the supply of illicitly manufactured fentanyl and substances structurally related to fentanyl. Because fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl are not Food and Drug Administration (FDA)-approved drug products, a practitioner may not legally prescribe them, and these substances cannot be dispensed to an individual. Therefore, the use of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl is without medical advice, and accordingly leads to the conclusion that these four substances are abused for their opioidergic properties.

There are no legitimate drug channels for fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl as marketed FDA-approved drug products, but these substances are available for purchase from legitimate chemical companies for research purposes. However, despite the limited legitimate research use of these four substances, reports from public health and law enforcement data indicate that all four substances are being abused and taken in amounts sufficient to create a hazard to an individual's health. Data from forensic databases can be used as an indicator of illicit activity with drugs and abuse [5] within the United States. According to the National Forensic Laboratory Information System (NFLIS),[6] which collects and analyzes drug exhibits submitted to Federal, State, and local forensic laboratories, there were 187 total reports of these substances between 2017 and 2020 (queried on February 22, 2021).

[2] HHS' scientific and medical evaluation for benzodioxole fentanyl is ongoing. DEA will not further discuss this substance in this proposed rule.

[3] On October 2, 2020, DEA issued a final order (85 FR 62215) for crotonyl fentanyl and maintained its placement in schedule I, using DEA's authority under 21 U.S.C. 811(d)(1), to meet obligations under the 1961 Single Convention on Narcotic Drugs, March 30, 1961, 18 U.S.T. 1407, 570 U.N.T.S. 151, as amended. On March 3, 2021, DEA issued a general notice of proposed rulemaking (86 FR 12296) to permanently control 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β-methyl fentanyl, β′-phenyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl in schedule I.

[4] Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970); *reprinted in* 1970 U.S.C.C.A.N. 4566, 4603.

[5] While law enforcement data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See* 76 FR 77330, 77332, Dec. 12, 2011.

[6] NFLIS is a DEA program and a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States. The NFLIS database also contains Federal data from U.S. Customs and Border Protection. NFLIS only includes drug chemistry results from completed analyses.

Consequently, the positive identification of the four fentanyl-related substances in law enforcement encounters indicates that these substances are being abused, and thus pose safety hazards to the health of users.

2. *Scientific Evidence of the Drug's Pharmacological Effects, if Known:* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl are pharmacologically similar to other schedule I and schedule II mu-opioid receptor agonist substances. The abuse potential (assessed by drug discriminative studies) of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl show that these substances share discriminative stimulus effects similar to fentanyl and morphine. Similar to schedule I and II opioid analgesics, these four substances bind to and activate the mu-opioid receptor. Additionally, behavioral studies in animals demonstrate these four substances produce analgesic effects similar to fentanyl and morphine. Pre-treatment with naltrexone, an opioid antagonist, attenuated analgesic effect of these four substances, as well as fentanyl and morphine. These data indicate that the four substances are mu-opioid receptor agonists with effects on the central nervous system. Data from drug discrimination studies showed that these four substances share discriminative stimulus effects similar to those of morphine. Thus, it is concluded from *in vitro* and *in vivo* pharmacological studies that the effects of the four substances are similar to that of fentanyl and morphine and are mediated by mu-opioid receptor agonism.

3. *The State of Current Scientific Knowledge Regarding the Drug or Other Substance:* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl are synthetic opioids of the 4-anilidopiperidine structural class, which includes fentanyl. As defined in the February 6, 2018, temporary order, fentanyl-related substances include any substance not otherwise controlled in any schedule (*i.e.,* not included under any other Administration Controlled Substance Code Number) that is structurally related to fentanyl by one or more of the following modifications:

(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(E) Replacement of the *N*-propionyl group by another acyl group.

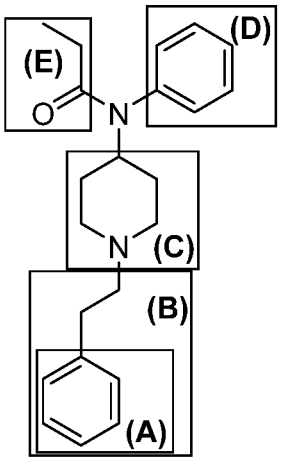

Figure 1: Regions of the chemical structure of fentanyl described in the definition of a fentanyl-related substance

According to the February 6, 2018, temporary scheduling order, the existence of a substance with any one, or any combination, of above-mentioned modifications (see Figure 1) would meet the structural requirements of the definition of fentanyl-related substances. The present four substances fall within the definition of fentanyl-related substances by the following modifications:

1. Fentanyl carbamate: Replacement of the *N*-propionyl group by another acyl group (meets definition for modification E);

2. *ortho*-fluoroacryl fentanyl: Substitution on the aniline ring and replacement of the *N*-propionyl group with another acyl group (meets definition for modifications D and E);

3. *ortho*-fluoro isobutyryl fentanyl: Substitution on the aniline ring and replacement of the *N*-propionyl group with another acyl group (meets definition for modifications D and E);

4. *para*-fluoro furanyl fentanyl: Substitution on the aniline ring and replacement of the *N*-propionyl group with another acyl group (meets definition for modifications D and E).

No study has been undertaken to evaluate the efficacy, toxicology, and safety of the four substances in humans. It can be inferred from data obtained from animal studies that these four substances have sufficient distribution to the brain to produce depressant effects similar to that of other mu-opioid receptor agonists such as fentanyl. Data from *in vitro* receptor binding studies show that these four substances, similar to fentanyl, display high selectivity for the mu-opioid receptor over other opioid receptor subtypes.

There are no FDA-approved marketing applications for a drug product containing fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl for any therapeutic indication in the United States. Moreover, there are no clinical studies or petitions which have claimed an accepted medical use in the United States for these four substances.

4. *Its History and Current Pattern of Abuse:* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, like other substances structurally related to fentanyl, are disguised as a ''legal'' alternative to fentanyl. Between 2017 and 2020, law enforcement officials in the United States encountered these four substances.

5. *The Scope, Duration, and Significance of Abuse:* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, similar to other substances structurally related to fentanyl, are often used as recreational drugs. The recreational use of these four substances and other fentanyl-related substances continues to be of significant concern as the United States currently is in the midst of an opioid epidemic. These substances are distributed to users, often with unpredictable outcomes. Because users of these fentanyl-related substances and their associated drug products are likely to obtain these substances through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks to abusers. Evidence that these four substances are being abused and trafficked is confirmed by law enforcement encounters. NFLIS contained 187 reports of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl from Federal, State, and local forensic laboratories between 2017 and 2020.

6. *What, if Any, Risk There Is to the Public Health:* The increase in opioid overdose deaths in the United States has been exacerbated by the availability of potent synthetic opioids such as fentanyl and structurally related substances in the illicit drug market. These substances have a history of being trafficked as replacements for heroin and other synthetic opioids. Increasingly, law enforcement has encountered fentanyl and substances structurally related to fentanyl in counterfeit prescription opioids, heroin, and other street drugs such as cocaine, methamphetamine, and synthetic cannabinoids. Fentanyl is a potent synthetic opioid that is primarily prescribed for acute and chronic pain and is approximately 100 times more potent than morphine. As such, fentanyl has a high risk of abuse, dependence, and overdose that can lead to death. Because fentanyl-related substances, as defined in the February 6, 2018, temporary order, have similar chemical structure to fentanyl, these substances are expected to have similar biological effects. In *in vitro* and *in vivo* studies, fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl produced pharmacological effects similar to fentanyl. Thus, these four substances pose the same qualitative public health risks as heroin, fentanyl, and other mu-opioid receptor agonists.

According to a CDC report, from 2013 to 2019, deaths involving synthetic opioids other than methadone increased by 1,040 percent from 3,105 to 36,359. The increase in the number of opioid-related deaths was primarily driven by illicitly manufactured fentanyl.[7] According to CDC 2019 data, there were 70,630 drug overdose fatalities; of those, 49,860 (approximately 71 percent) involved an opioid. The use of some fentanyl-related substances has been associated with adverse health outcomes, including death.

7. *Its Psychic or Physiological Dependence Liability:* There are no pre-clinical and clinical studies that have evaluated the dependence potential of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl. These four substances are mu-opioid receptor agonists, and discontinuation of the use of mu-opioid receptor agonists such as fentanyl and morphine is known to cause withdrawal indicative of physical dependence. Opioid withdrawal includes nausea and vomiting, depression, agitation, anxiety, craving, sweats, hypertension, diarrhea, and fever.

8. *Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA:* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl are not considered immediate precursors of any controlled substance of the CSA as defined by 21 U.S.C. 802(23).

Conclusion: After considering the scientific and medical evaluation conducted by HHS, HHS's scheduling recommendation, and DEA's own eight-factor analysis, DEA finds that the facts and all relevant data constitute substantial evidence of the potential for abuse of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl. As such, DEA hereby proposes to permanently schedule fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl in schedule I of the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Acting Assistant Secretary for Health of HHS and review of all other available data, the Acting Administrator of DEA, pursuant to 21 U.S.C. 811(a) and 21 U.S.C. 812(b)(1), finds that:

(1) Fentanyl carbamate, ortho-fluoroacryl fentanyl, ortho-fluoro isobutyryl fentanyl, and para-fluoro furanyl fentanyl have a high potential for abuse.

According to HHS, fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, similar to fentanyl, are mu-opioid receptor agonists. These substances have analgesic effects, and these effects are mediated by mu-opioid receptor agonism. HHS states that substances that produce mu-opioid receptor agonist effects in the central nervous system (*e.g.,* morphine and fentanyl) are considered as having a high potential for abuse. Data obtained from drug discrimination studies indicate that fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl fully substituted for the discriminative stimulus effects of morphine.

(2) Fentanyl carbamate, ortho-fluoroacryl fentanyl, ortho-fluoro isobutyryl fentanyl, and para-fluoro furanyl fentanyl have no currently accepted medical use in treatment in the United States.

[7] If evidence of prescription or illicit use was not available, fentanyl was categorized as illicitly-manufactured fentanyl (''IMF'') because the vast majority of fentanyl overdose deaths involve IMF. Gladden RM, O'Donnell J, Mattson CL, Seth P. Changes in Opioid-Involved Overdose Deaths by Opioid Type and Presence of Benzodiazepines, Cocaine, and Methamphetamine—25 States, July–December 2017 to January–June 2018. MMWR Morb Mortal Wkly Rep. 30; 68(34):737–744.

According to HHS, there are no FDA-approved new drug applications for fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl in the United States. There are no known therapeutic applications for these fentanyl-related substances and thus they have no currently accepted medical use in the United States.[8]

(3) There is a lack of accepted safety for use of fentanyl carbamate, ortho-fluoroacryl fentanyl, ortho-fluoro isobutyryl fentanyl, and para-fluoro furanyl fentanyl under medical supervision.

Because fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl have no FDA-approved medical use and have not been thoroughly investigated as new drugs, their safety for use under medical supervision is undetermined. Thus, there is a lack of accepted safety for use of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl under medical supervision.

Based on these findings, the Acting Administrator of DEA concludes that fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, warrant continued control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling fentanyl carbamate, ortho-fluoroacryl fentanyl, ortho-fluoro isobutyryl fentanyl, and para-fluoro furanyl fentanyl.

If this rule is finalized as proposed, fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl would continue [9] to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, dispensing, importation, exportation, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl is required to be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71–1301.76. Non-practitioners handling fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl also must comply with the employee screening requirements of 21 CFR 1301.90 –1301.93.

3. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with DEA to handle fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl must have an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl) on hand every two years pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant is required to maintain records and submit reports with respect to fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and 1317.

7. Order Forms. Every DEA registrant who distributes fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl is required to comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

8. Importation and Exportation. All importation and exportation of fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. Liability. Any activity involving fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and could subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of

[8] Although there is no evidence suggesting that fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl have a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated:

i. The drug's chemistry must be known and reproducible;

ii. there must be adequate safety studies;

iii. there must be adequate and well-controlled studies proving efficacy;

iv. the drug must be accepted by qualified experts; and

v. *the scientific evidence must be widely available.*

57 FR 10499 (1992), *pet. for rev. denied, Alliance for Cannabis Therapeutics* v. *DEA,* 15 F.3d 1131, 1135 (D.C. Cir. 1994).

[9] Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, are covered by the February 6, 2018, temporary scheduling order, and are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 83 FR 5188.

Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–602, has reviewed this proposed rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. On February 6, 2018, DEA published an order to temporarily place fentanyl-related substances, as defined in the order, in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). DEA estimates that all entities handling or planning to handle fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl have already established and implemented the systems and processes required to handle these substances which meet the definition of fentanyl-related substances.

There are currently 90 unique registrations authorized to specifically handle the fentanyl-related substances as a class, which include fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. Some of these entities are likely to be large entities. However, since DEA does not have information of registrant size and the majority of DEA registrants are small entities or are employed by small entities, DEA estimates a maximum of 79 entities are small entities. Therefore, DEA conservatively estimates as many as 79 small entities are affected by this proposed rule.

A review of the 90 registrations indicates that all entities that currently handle fentanyl-related substances, including fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, also handle other schedule I controlled substances, and have established and implemented (or maintain) the systems and processes required to handle fentanyl carbamate, *ortho* fluoroacryl fentanyl, *ortho*-fluoroisobutyryl fentanyl, and *para*-fluoro furanyl fentanyl. Therefore, DEA anticipates that this proposed rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the 79 affected small entities. Therefore, DEA has concluded that this proposed rule will not have a significant effect economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined and certifies that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any 1 year . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:
■ a. Redesignate paragraphs (b)(70), (71), and (75) as paragraphs (b)(74), (75), and (76), respectively.
■ b. Add paragraph (b)(73);
■ c. Redesignate paragraphs (b)(64) through (69) as paragraphs (b)(67) through (72);
■ d. Add new paragraph (b)(66);
■ e. Redesignate paragraphs (b)(61) through (63) as paragraphs (b)(63) through (65);
■ f. Add new paragraph (b)(62);
■ g. Redesignate paragraphs (b)(39) through (60) as paragraphs (b)(40) through (61); and
■ h. Add new paragraph (b)(39).

The additions read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(39) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate)	9851
* * * * * * *	
(62) *ortho*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide)	9852
* * * * * * *	
(66) *ortho*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide)	9853
* * * * * * *	
(73) *para*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	9854

* * * * *

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–05589 Filed 3–17–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0103]

RIN 1625–AA08

Special Local Regulation; Choptank River, Between Trappe and Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary special local regulations for certain waters of the Choptank River. This action is necessary to provide for the safety of life on these navigable waters located between Trappe, Talbot County, MD, and Cambridge, Dorchester County, MD, during a swim event on May 16, 2021. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 19, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0103 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST2 Shaun Landante, U.S. Coast Guard Sector Maryland-National Capital Region Waterways Management Division; telephone 410–576–2570, email *D05-DG-SectorMD-NCR-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Coast Guard Patrol Commander
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On February 15, 2021, the TCR Event Management of St. Michaels, MD, notified the Coast Guard that it will be conducting the Maryland Freedom Swim from 7 a.m. to 9:30 a.m. on May 16, 2021. The open water swim consists of approximately 200 participants competing on a designated 1.75-mile linear course. The course starts at the beach of Bill Burton Fishing Pier State Park at Trappe, MD, proceeds across the Choptank River along and between the fishing piers and the Senator Frederick C. Malkus, Jr. Memorial (US-50) Bridge, and finishes at the beach of the Dorchester County Visitors Center at Cambridge, MD. Hazards from the swim competition include participants swimming within and adjacent to the designated navigation channel and interfering with vessels intending to operate within that channel, as well as swimming within approaches to local public and private marinas and public boat facilities. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the swim would be a safety concern for anyone intending to participate in this event and for vessels that operate within specified waters of the Choptank River.

The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region is proposing to establish special local regulations from 6 a.m. through 10:30 a.m. on May 16, 2021. There is no alternate date planned for this event. The regulated area would cover all navigable waters of the Choptank River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°35′14.2″ N, longitude 076°02′33.0″ W, thence south to latitude 38°34′08.3″ N, longitude 076°03′36.2″ W, and bounded on the west by a line drawn from latitude 38°35′32.7″ N, longitude 076°02′58.3″ W, thence south to latitude 38°34′24.7″ N, longitude 076°04′01.3″ W, located at Cambridge, MD. The regulated area is approximately 2,800 yards in length and 900 yards in width. The proposed duration of the rule and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the open water swim, scheduled to take place from 7 a.m. to 9:30 a.m. on May 16, 2021. The COTP and the Coast Guard Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area.

Except for Maryland Freedom Swim participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or PATCOM before entering the regulated area. Vessel operators would be able to request permission to enter and transit through the regulated area by contacting the PATCOM on VHF–FM channel 16. Vessel traffic would be able to safely transit the regulated area once the PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a non-participant. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area. Official patrol vessels would direct non-participants while within the regulated area.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive

Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on size, time of day and duration of the regulated area, which would impact a small designated area of the Choptank River for 4 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the PATCOM deems it safe to do so.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 4 hours and 30 minutes. Normally such actions are categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up

for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T05–0103 to read as follows:

§ 100.T05–0103 Maryland Freedom Swim, Choptank River, Between Trappe and Cambridge, MD.

(a) *Regulated area.* The regulations in this section apply to the following area: All navigable waters of the Choptank River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°35′14.2″ N, longitude 076°02′33.0″ W, thence south to latitude 38°34′08.3″ N, longitude 076°03′36.2″ W, and bounded on the west by a line drawn from latitude 38°35′32.7″ N, longitude 076°02′58.3″ W, thence south to latitude 38°34′24.7″ N, longitude 076°04′01.3″ W, located at Cambridge, MD. These coordinates are based on datum NAD 1983.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Coast Guard Patrol Commander (PATCOM) means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the Maryland Freedom Swim or otherwise designated by the event sponsor as having a function tied to the event.

(c) *Regulations.* (1) Except for vessels already at berth, all non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP Maryland-National Capital Region or PATCOM.

(2) To seek permission to enter, contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP Maryland-National Capital Region or PATCOM.

(3) The COTP Maryland-National Capital Region will provide notice of the regulated area through advanced notice via Fifth Coast Guard District Local Notice to Mariners, broadcast notice to mariners, and on-scene official patrols.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 6 a.m. to 10:30 a.m. on May 16, 2021.

Dated: March 12, 2021.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021–05594 Filed 3–17–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0137]

RIN 1625–AA08

Special Local Regulation; North Atlantic Ocean, Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish special local regulations for certain waters of the North Atlantic Ocean. This action is necessary to provide for the safety of life on these navigable waters located at Ocean City, MD, during a high-speed power boat racing event on May 2, 2021. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Event Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 2, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0137 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST2 Shaun Landante, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2570, email *D05-DG-SectorMD-NCR-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Patrol Commander
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

OPA Racing LLC of Brick Township, NJ, has notified the Coast Guard that it will be conducting the Ocean City Offshore Grand Prix from 12 p.m. to 5 p.m. on May 2, 2021. The high-speed power boat event consists of approximately 40 participating offshore race boats of various classes, 21 to 50 feet in length, operating along a designated, marked racetrack-type course located in the North Atlantic Ocean, at Ocean City, MD. Hazards from the high-speed power boat racing event include participants operating near a designated navigation channel, as well as injury to persons and damage to property that involve vessel mishaps during high-speed power boat races conducted on navigable waters located near the shoreline. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the high-speed power boat races would be a safety concern for anyone intending to operate within certain waters of the North Atlantic Ocean at Ocean City, MD, operating in or near the event area. The Coast Guard is requesting that interested

parties provide comments within a shortened comment period of 15 days instead of the more typical 30 days for this notice of proposed rulemaking. The Coast Guard believes a shortened comment period is necessary and reasonable to ensure the Coast Guard has time to review and respond to any significant comments submitted by the public in response to the NPRM and has final rule in effect in time for the scheduled event.

The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region proposes to establish special local regulations from 10 a.m. through 6 p.m. on May 2, 2021. There is no alternate date planned for this event. The regulated area would cover all navigable waters of the North Atlantic Ocean, within an area bounded by the following coordinates: Commencing at a point near the shoreline at latitude 38°21′42″ N, longitude 075°04′11″ W, thence east to latitude 38°21′33″ N, longitude 075°03′10″ W, thence southwest to latitude 38°19′25″ N, longitude 075°04′02″ W, thence west to the shoreline at latitude 38°19′35″ N, longitude 075°05′02″ W, at Ocean City, MD. The regulated area is approximately 4,500 yards in length and 1,600 yards in width.

This proposed rule provides additional information about areas within the regulated area and their definitions. These areas include ''Race Area,'' ''Buffer Area,'' and ''Spectator Area.''

The proposed size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the high-speed power boat racing event, scheduled from 12 p.m. to 5 p.m. on May 2, 2021. The COTP and the Coast Guard Event Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area would be required to immediately comply with the directions given by the COTP or Event PATCOM. If a person or vessel fails to follow such directions, the Coast Guard may expel them from the area, issue them a citation for failure to comply, or both.

Except for Ocean City Grand Prix participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or Event PATCOM before entering the regulated area. Vessel operators can request permission to enter and transit through the regulated area by contacting the Event PATCOM on VHF–FM channel 16. Vessel traffic would be able to safely transit the regulated area once the Event PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a spectator. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or Event PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area. Official patrol vessels will direct spectator vessels while within the regulated area. Only participant vessels and official patrol vessels would be allowed to enter the race area.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and location of the regulated area. Vessel traffic would be able to safely transit around this regulated area, which would impact a small designated area of the North Atlantic Ocean for 8 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the Event PATCOM deems it safe to do so.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the

relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for eight hours. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.501T05–0137 to read as follows:

§ 100.501T05–0137 Special Local Regulation; North Atlantic Ocean, Ocean City, MD.

(a) *Locations.* All coordinates reference Datum NAD 1983. (1) *Regulated area.* All navigable waters of the North Atlantic Ocean, within an area bounded by the following coordinates: Commencing at a point near the shoreline at position latitude 38°21′42″ N, longitude 075°04′11″ W; thence east to latitude 38°21′33″ N, longitude 075°03′10″ W; thence southwest to latitude 38°19′25″ N, longitude 075°04′02″ W; thence west to the shoreline at latitude 38°19′35″ N, longitude 075°05′02″ W, at Ocean City, MD. The race area, buffer area, and spectator area are within the regulated area.

(2) *Race Area.* The race area is a polygon in shape measuring approximately 3,500 yards in length by 350 yards in width. The area is bounded by a line commencing at position latitude 38°19′46.85″ N, longitude 075°04′43.28″ W, thence east to latitude 38°19′44.23″ N, longitude 075°04′29.89″ W, thence north and parallel to Ocean City, MD shoreline to latitude 38°21′23.24″ N, longitude 075°03′48.87″ W, thence west to latitude 38°21′25.12″ N, longitude 075°04′02.45″ W; thence south to the point of origin.

(3) *Buffer Area.* The buffer zone is a polygon in shape measuring approximately 500 yards in all directions surrounding the entire race area described in the preceding paragraph of this section. The area is bounded by a line commencing at a point near the shoreline at position latitude 38°21′42″ N, longitude 075°04′11″ W; thence east to latitude 38°21′35″ N, longitude 075°03′24″ W; thence southwest to latitude 38°19′28″ N, longitude 075°04′17″ W; thence west to the shoreline at latitude 38°19′35″ N, longitude 075°05′02″ W, at Ocean City, MD.

(4) *Spectator Area.* The designated spectator area is a polygon in shape measuring approximately 3,500 yards in length by 350 yards in width. The area is bounded by a line commencing at position latitude 38°19′40″ N, longitude 075°04′12″ W, thence east to latitude 38°19′37″ N, longitude 075°03′59″ W, thence northeast to latitude 38°21′17″ N, longitude 075°03′17″ W, thence west to latitude 38°21′20″ N, longitude 075°03′31″ W, thence southwest to point of origin.

(b) Definitions. As used in this section:

Buffer Area is a neutral area that surrounds the perimeter of the Race Area within the regulated area described by this section. The purpose of a buffer zone is to minimize potential collision conflicts with marine event participants or race boats and spectator vessels or nearby transiting vessels. This area provides separation between a Race Area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means a person or vessel registered with the event sponsor as participating in the Ocean City Grand Prix or otherwise designated by the event sponsor as having a function tied to the event.

Race Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section.

Spectator means a person or vessel not registered with the event sponsor as participants or assigned as official patrols.

(c) *Special local regulations:* (1) The COTP Maryland-National Capital Region or Event PATCOM may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given by the patrol. Failure to do so may result in the Coast Guard expelling the person or vessel from the area, issuing a citation for failure to comply, or both. The COTP Maryland-National Capital Region or Event PATCOM may terminate the event, or a participant's operations at any time the COTP Maryland-National Capital Region or Event PATCOM believes it necessary to do so for the protection of life or property.

(2) Except for participants and vessels already at berth, a person or vessel within the regulated area at the start of enforcement of this section must immediately depart the regulated area.

(3) A spectator must contact the Event PATCOM to request permission to either enter or pass through the regulated area. The Event PATCOM, and official patrol vessels enforcing this regulated area, can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). If permission is granted, the spectator must pass directly through the regulated area as instructed by Event PATCOM. A vessel within the regulated area must operate at safe speed that minimizes wake.

(4) Only participant vessels and official patrol vessels are allowed to enter the race area.

(5) A person or vessel that desires to transit, moor, or anchor within the regulated area must obtain authorization from the COTP Maryland-National Capital Region or PATCOM. A person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(6) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 10 a.m. to 6 p.m. on May 2, 2021.

Dated: March 12, 2021.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021–05595 Filed 3–17–21; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 86, No. 51
Thursday, March 18, 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

Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Contaminants in Foods

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on April 12, 2021. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 14th Session of the Codex Committee on Contaminants in Foods (CCCF) of the Codex Alimentarius Commission. The U.S. Manager for Codex Alimentarius and the Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 14th Session of the CCCF and to address items on the agenda.

DATES: The public meeting is scheduled for April 12, 2021 from 1:00–4:00 p.m. EDT.

ADDRESSES: The public meeting will take place virtually. Documents related to the 14th Session of the CCCF will be accessible via the internet at the following address: *http://ww.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCCF&session=14.*

Dr. Lauren Posnick Robin, U.S. Delegate to the 14th Session of the CCCF, invites U.S. interested parties to submit their comments electronically to Dr. Henry Kim at the following email address: *henry.kim@fda.hhs.gov.*

Registration: Attendees may register to attend the virtual public meeting here: *https://fda.zoomgov.com/meeting/register/vJIsce6tpz0uGCiuxe2thMQL6-nruzmbFdk* or by emailing *henry.kim@fda.hhs.gov* by April 5, 2021.

For Further Information about the 14th Session of the CCCF and the Public Meeting, contact Henry Kim, Ph.D., FDA, at *henry.kim@fda.hhs.gov,* or the U.S. Codex office at *uscodex@usda.gov,* (202) 720–7760.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the CCCF are:

(a) To establish or endorse permitted maximum levels or guidelines levels for contaminants and naturally occurring toxicants in food and feed;

(b) to prepare priority lists of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives;

(c) to consider methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed;

(d) to consider and elaborate standards or codes of practice for related subjects; and

(e) to consider other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The CCCF is chaired by the Netherlands. The United States attends the CCCF as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 14th Session of the CCCF will be discussed during the public meeting:

- Matters referred to the Committee by the Codex Alimentarius Commission and/or its subsidiary bodies
- Matters of interest arising from FAO and WHO including the Joint FAO/WHO Expert Committee on Food Additives
- Matters of interest arising from other international organizations
- Maximum level for cadmium in chocolates containing or declaring <30% total cocoa solids on a dry matter basis
- Maximum levels for cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis and cocoa powder (100% total cocoa solids on a dry matter basis)
- Code of practice for the prevention and reduction of cadmium contamination in cocoa beans
- Maximum levels for lead in certain food categories
- Revision of the Code of Practice for the prevention and reduction of lead contamination in foods
- Maximum levels for total aflatoxins in certain cereals and cereal-based products including foods for infants and young children
- Sampling plans and performance criteria for total aflatoxins in certain cereals and cereal-based products including foods for infants and young children
- Maximum level for total aflatoxins in ready-to-eat peanuts and associated sampling plan
- Maximum levels for total aflatoxins and ochratoxin A in nutmeg, dried chili and paprika, ginger, pepper and turmeric and associated sampling plans
- Methylmercury in fish:
  - Maximum levels for additional fish species
  - Sampling plans
  - Other risk management recommendations
- Hydrogen cyanide and mycotoxin contamination in cassava and cassava-based products
- Cadmium and lead in quinoa
- Radioactivity in feed and food (including drinking water) in normal circumstances
- Guidance on data analysis for development of maximum levels and for improved data collection
- Approach to identify the need for revision of standards and related texts developed by CCCF
- Forward work-plan for CCCF:
  - Review of staple food-contaminant combinations for future work of CCCF
  - Project plan for the evaluation of implementation of COPs of CCCF

- JECFA evaluations:
  - Priority list of contaminants for evaluation by JECFA
  - Follow-up work to the outcomes of JECFA evaluations
- Other business and future work

Public Meeting

At the April 12th public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Henry Kim at *henry.kim@fda.hhs.gov.* Written comments should state that they relate to activities of the 14th Session of the CCCF.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex*, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on March 12, 2021.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–05640 Filed 3–17–21; 8:45 am]

BILLING CODE P

CIVIL RIGHTS COMMISSION

Notice of Public Meeting of the Maine Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of meeting.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a meeting of the Maine Advisory Committee. The meeting scheduled for Thursday, March 18, 2021 at 12 p.m. (ET) is cancelled. The notice is in the **Federal Register** of Friday, February 26, 2021, in FR Doc. 2021–03973, on page 11720.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez, (202) 618–4158, *bdelaviez@usccr.gov*.

Dated: March 12, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–05564 Filed 3–17–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210312–0055]

RIN 0691–XC120

BE–605: Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate With Foreign Parent

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent (BE–605). The data collected on the BE–605 survey are needed to measure the size and economic significance of foreign direct investment in the United States and its impact on the U.S. economy. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Jessica Hanson, Chief, Direct Transactions and Positions Branch (BE–49), via phone (301) 278–9595 or via email at *Jessica.Hanson@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–605 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 30 days after the end of each calendar or fiscal quarter, or within 45 days if the report is for the final quarter of the financial reporting year. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–605 survey forms and instructions are available at *www.bea.gov/fdi.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. business enterprise in which a foreign person has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise, and that meets the additional conditions detailed in Form BE–605.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on transactions between parent companies and their affiliates and on direct investment positions (stocks).

How To Report: Reports can be filed using BEA's electronic reporting system

at *www.bea.gov/efile.* Copies of the survey form and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/fdi* and submitted through mail or fax. Form BE–605 inquiries can be made by phone to BEA at (301) 278–9422 or by sending an email to *be605@bea.gov.*

When To Report: Reports are due to BEA 30 days after the close of each calendar or fiscal quarter, or 45 days if the report is for the final quarter of the financial reporting year.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0009. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 1 hour per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Jessica Hanson, Chief, Direct Transactions and Positions Branch (BE–49), via email at *Jessica.Hanson@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0009, via email at *OIRA_Submission@omb.eop.gov.*

(Authority: 22 U.S.C. 3101–3108)

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–05602 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Application for NATO International Bidding

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 January 12, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security.

Title: Application for NATO International Bidding.

OMB Control Number: 0694–XXXX.

Form Number(s): BIS–4023P.

Type of Request: Regular submission. New information collection.

Number of Respondents: 50.

Average Hours per Response: 1.

Burden Hours: 50.

Needs and Uses: This new proposed information collection replaces previously approved generic collection 0694–0128. All U.S. firms desiring to participate in the NATO International Competitive Bidding (ICB) process under the NATO Security Investment Program (NSIP) must be certified as technically, financially and professionally competent. The U.S. Department of Commerce provides the Declaration of Eligibility that certifies these firms. Any such firm seeking certification is required to submit a completed Form BIS–4023P along with a current annual financial report and a resume of past projects in order to become certified and placed on the Consolidated List of Eligible Bidders.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Section 401 (10) of Executive Order 12656 (November 18, 1988), 15 U.S.C. Section 1512.

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 the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–05634 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–068]

Forged Steel Fittings From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Both-Well (Taizhou) Steel Fittings, Co., Ltd. (Both-Well), a producer and/or exporter of forged steel fittings from the People's Republic of China (China), received countervailable subsidies during the period of review (POR) March 14, 2018, through December 31, 2018.

DATES: Applicable March 18, 2021.

FOR FURTHER INFORMATION CONTACT: Janae Martin or Katherine Johnson, 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) 482–0238 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of the administrative review in the **Federal Register** on November 13, 2020.[1] We invited interested parties to comment on the *Preliminary Results.*

On December 18, 2020, we received a case brief from Both-Well. On December 23, 2020, we received a rebuttal brief from Bonney Forge Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (collectively, the petitioners). For a complete description of the events that occurred since the *Preliminary Results,*

[1] *See Forged Steel Fittings from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, 2018,* 85 FR 72627 (November 13, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

see the Issues and Decision Memorandum.[2]

Scope of the Order [3]

The product covered by the *Order* is forged steel fittings from China. For a complete description of the scope of the *Order, see* 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 the issues addressed is attached to this notice at Appendix I. 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 at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the case and rebuttal briefs and the evidence on the record, we made no changes to the *Preliminary Results.*

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

Final Results of Administrative Review

In accordance with 19 CFR 351.221(b)(5), we calculated a final countervailable subsidy rate for Both-Well, the sole mandatory respondent in this review. For the companies subject to this review which were not selected for individual examination, we used the subsidy rate calculated for Both-Well. We find the countervailable subsidy rates for the producers/exporters under review to be as follows:

Producer/exporter	Subsidy rate (percent)
Both-Well (Taizhou) Steel Fittings, Co., Ltd.	25.90
Non-Selected Companies Under Review [5]	25.90

Assessment Rates

Pursuant to 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. Consistent with its recent notice,[6] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Instructions

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for Both-Well on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 10, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Final Decision Memorandum

Appendix II—Non-Selected Companies Under Review

1. Apco Pipe Fittings Co., Ltd.
2. Cixi Baicheng Hardware Tools, Ltd.
3. Dalian Guangming Pipe Fittings Co., Ltd.
4. Eaton Hydraulics (Luzhou) Co., Ltd.
5. Eaton Hydraulics (Ningbo) Co., Ltd.
6. Feiting Hi-Tech Piping Zhejiang Co., Ltd
7. Hebei Haiyuan Pipe Fittings Co., Ltd.
8. Hebei Xinyue High Pressure Flange And Pipe Fitting Co., Ltd.
9. Jiangsu Forged Pipe Fittings Co., Ltd.
10. Jiangsu Haida Pipe Fittings Group Co., Ltd.
11. Jiangyin Tianning Metal Pipe Fitting Co., Ltd.
12. Jiangyin Yangzi Fitting Co., Ltd.
13. Jinan Mech Piping Technology Co., Ltd.
14. Jining Dingguan Precision Parts Manufacturing Co., Ltd.
15. Lianfa Stainless Steel Pipes & Valves (Qingyun) Co., Ltd.
16. Luzhou City Chengrun Mechanics Co., Ltd.
17. Ningbo HongTe Industrial Co., Ltd.
18. Ningbo Long Teng Metal Manufacturing Co., Ltd.
19. Ningbo Save Technology Co., Ltd.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2018 Countervailing Duty Administrative Review of Forged Steel Fitting from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Forged Steel Fittings from the People's Republic of China: Countervailing Duty Order,* 83 FR 60396 (November 26, 2018) (*Order*).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] *See* Appendix II.

[6] *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).

20. Ningbo Zhongan Forging Co., Ltd.
21. Q.C. Witness International Co., Ltd.
22. Qingdao Bestflow Industrial Co., Ltd.
23. Shanghai Lon Au Stainless Steel Materials Co., Ltd.
24. Shanghai Longnai High Pressure Pipe Fittings Co., Ltd.
25. Shanghai Tongyang Pipe Fittings Co., Ltd.
26. Shanghai Yochoic Pipefittings Co., Ltd.
27. Witness International Co., Ltd.
28. Xin Yi International Trade Co., Limited
29. Yancheng Boyue Tube Co., Ltd.
30. Yancheng Haohui Pipe Fittings Co., Ltd.
31. Yancheng Jiuwei Pipe Fittings Co., Ltd.
32. Yancheng Manda Pipe Industry Co., Ltd.
33. Yingkou Guangming Pipeline Industry Co., Ltd.
34. Yingkou Liaohe Machinery & Pipe Fittings Co., Ltd.
35. Yuyao Wanlei Pipe Fitting Manufacturing Co., Ltd.

[FR Doc. 2021–05587 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the Third Administrative Review and Notice of Amended Final Results of the Third Administrative Review Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 3, 2021, the United States Court of International Trade (CIT) issued its final judgment sustaining the Department of Commerce's (Commerce) corrected final results of remand redetermination pursuant to court order. Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce's final results in the third administrative review of the antidumping duty (AD) order on multilayered wood flooring (MLWF) from the People's Republic of China (China), covering the period of review from December 1, 2013, through November 30, 2014, and that Commerce is amending its calculation of the rate applicable to separate rate respondents.

DATES: March 13, 2021.

FOR FURTHER INFORMATION CONTACT: Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3147.

SUPPLEMENTARY INFORMATION:

Background

Commerce individually examined Fine Furniture (Shanghai) Limited (Fine Furniture) and the collapsed entity Dalian Penghong Floor Products Co., Ltd./Dalian Shumaike Floor Manufacturing Co., Ltd. (collectively, Dalian Penghong) as mandatory respondents in the third administrative review of the AD order on MLWF from China,[1] covering the period of review from December 1, 2013, through November 30, 2014.[2] As identified in the *Final Results,* the calculated margins for Fine furniture and Dalian Penghong were 17.37 percent and 0.00 percent, respectively.[3] Commerce assigned Fine Furniture's 17.37 percent margin to the companies eligible for a separate rate.[4]

Fine Furniture and certain separate rate companies (collectively, plaintiffs) challenged Commerce's *Final Results.* The CIT sustained Commerce's *Final Results,*[5] and select plaintiffs appealed to the U.S. Court of Appeals Federal Circuit (Federal Circuit).[6] The Federal Circuit ordered that the case be stayed pending the outcome of *Changzhou Hawd Flooring Co.,* v. *United States,* Appeal Nos. 2018–2335, –2337.[7]

Following the Federal Circuit's final opinion in *Changzhou Hawd* that held that Fine Furniture was excluded from the *Order,*[8] the Federal Circuit lifted the stay of the appeal of the *Final Results* and remanded the case to the CIT to oversee Commerce's recalculation of the margin for the companies eligible for a separate rate.[9] Commerce then requested a voluntary remand from the CIT to recalculate the margin to be applied to the separate rate companies, given Fine Furnitures's exclusion from the *Order,* and the CIT granted Commerce's request.[10]

On September 23, 2020, Commerce issued its Remand Results, in which Commerce recalculated the rate applicable to the plaintiff separate rate respondents and assigned the remaining mandatory respondent Dalian Penghong's weighted-average dumping margin of 0.00 percent to the respondents not selected for individual examination that were granted a separate rate in the *Final Results* and were party to the litigation.[11] On November 27, 2020, after obtaining leave from the CIT, Commerce issued its Corrected Remand Results, correcting several clerical errors made in its Remand Results.[12]

On March 3, 2021, the CIT sustained Commerce's Corrected Remand Results.[13]

Timken Notice

In its decision in *Timken,*[14] as clarified by *Diamond Sawblades,*[15] the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's March 3, 2021, judgment constitutes a final decision of that court that is not in harmony with Commerce's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision with respect to this case, Commerce is amending its *Final Results*

[1] *See Multilayered Wood Flooring From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011) (*Order*).

[2] *See Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 81 FR 46899 (July 19, 2016), as amended in *Multilayered Wood Flooring from the People's Republic of China: Correction to the Final Results of Antidumping Duty Administrative Review,* 81 FR 53120 (August 11, 2016) (collectively, *Final Results*).

[3] *See Final Results,* 81 FR at 46901.

[4] *Id.*

[5] *See Fine Furniture (Shanghai) Limited, et al.,* v. *United States,* 353 F. Supp. 3d 1323 (CIT 2018).

[6] *See Fine Furniture (Shanghai) Limited, et al.* v. *United States,* Appeal Nos. 2019–1499, –1500, –1501, –1502, –1503 (*Fine Furniture Federal Circuit*).

[7] *Id.,* ECF No. 40 (March 28, 2019).

[8] *See Changzhou Hawd Flooring Co., Ltd.* v. *United States,* 947 F.3d 781, 793–94 (Fed. Cir. 2020) (*Changzhou Hawd*).

[9] *See Fine Furniture Federal Circuit,* ECF No. 56 (August 4, 2020).

[10] *See Fine Furniture (Shanghai) Limited, et al.,* v. *United States,* Consol. Court No. 16–00145 (August 25, 2020).

[11] *See* Final Results of Redetermination Pursuant to Court Order at 4 (September 23, 2020) (Remand Results).

[12] *See* Final Results of Redetermination Pursuant to Court Order (November 27, 2020) (Corrected Remand Results).

[13] *See Fine Furniture (Shanghai) Limited, et al.,* v. *United States,* Consol. Court No. 16–00145, Slip Op. 21–27.

[14] *See Timken Co.* v. *United States,* 893 F.2d. 337 (Fed. Cir. 1990) (*Timken*).

[15] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d. 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

with to the rate applicable to separate rate plaintiff respondents. Based on the Corrected Remand Results, we find that the applicable margin is 0.00 percent to the separate rate companies listed below:

Exporter/producer [16]	Margin (percent)
A&W (Shanghai) Woods Co., Ltd.	0.00
Anhui Longhua Bamboo Product Co., Ltd.	0.00
Baishan Huafeng Wooden Product Co., Ltd.	0.00
Benxi Wood Company.	0.00
Changzhou Hawd Flooring Co., Ltd.	0.00
Dalian Dajen Wood Co., Ltd.	0.00
Dalian Huilong Wooden Products Co., Ltd.	0.00
Dalian Kemian Wood Industry Co., Ltd.	0.00
Dalian Qianqiu Wooden Product Co., Ltd.	0.00
Dongtai Fuan Universal Dynamics, LLC	0.00
Dunhua City Dexin Wood Industry Co., Ltd.	0.00
Dunhua City Hongyuan Wood Industry Co., Ltd.	0.00
Dunhua City Wanrong Wood Industry Co. Ltd.	0.00
Fusong Jinlong Wooden Group Co., Ltd.	0.00
Fusong Jinqiu Wooden Product Co., Ltd.	0.00
Fusong Qianqiu Wooden Product Co., Ltd.	0.00
Guangdong Yihua Timber Industry Co., Ltd.	0.00
Guangzhou Panyu Kangda Board Co., Ltd.	0.00
Hailin LinJing Wooden Products Ltd.	0.00
Hangzhou Hanje Tec Co., Ltd.	0.00
Huzhou Chenghang Wood Co., Ltd.	0.00
Jiafeng Wood (Suzhou) Co., Ltd.	0.00
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	0.00
Jiangsu Simba Flooring Co., Ltd.	0.00
Jiashan HuiJiaLe Decoration Material Co., Ltd.	0.00
Jiaxing Hengtong Wood Co., Ltd.	0.00
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	0.00
Karly Wood Product Limited.	0.00
Kemian Wood Industry (Kunshan) Co., Ltd.	0.00
Linyi Youyou Wood Co., Ltd.	0.00
Mudanjiang Bosen Wood Industry Co., Ltd.	0.00
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	0.00
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	0.00
Shanghai Lairunde Wood Co., Ltd.	0.00
Shenyang Haobainian Wooden Co., Ltd.	0.00
Sino-Maple (Jiangsu) Co., Ltd.	0.00
Suzhou Dongda Wood Co., Ltd.	0.00
Xiamen Yung De Ornament Co., Ltd.	0.00
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	0.00
Zhejiang Biyork Wood Co., Ltd.	0.00
Zhejiang Dadongwu GreenHome Wood Co., Ltd.	0.00
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	0.00

Liquidation of Suspended Entries

In the event that the CIT's ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, Commerce will issue appropriate instructions to U.S. Customs and Border Protection (CBP) liquidating entries exported from the companies above during the period December 1, 2013, through November 30, 2014, at the appropriate rate.

On April 10, 2019, for Armstrong, and on August 11, 2020, for Dunhua City Jisen and Fine Furniture, pursuant to court order lifting the injunctions, Commerce issued liquidation instructions to CBP instructing CBP to liquidate entries for the December 1, 2013, through November 30, 2014 period of review without regard to duties given these companies' exclusion from the *Order*.

Cash Deposit Requirements

Because there have been subsequent administrative reviews for separate rate respondents, the cash deposit rate for these companies will remain the rate established in the most recently completed administrative review.[17]

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: March 15, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021–05756 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–DS–P

[16] Imports of subject merchandise from the following are excluded: produced and exported by Fine Furniture and Double F Limited; produced and exported by Armstrong Wood Products (Kunshan) Co., Ltd. (Armstrong); and produced and exported by Dunhua City Jisen Wood Industry Co., Ltd. (Dunhua City Jisen).

[17] *See Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review and Final Determination of No Shipments; 2017–2018,* 85 FR 78118 (December 3, 2020); *see also Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission; 2015–2016,* 83 FR 35461 (July 26, 2018), as amended in *Multilayered Wood Flooring From the People's Republic of China: Correction to the Final Results of Antidumping Duty Administrative Review; 2015–2016,* 83 FR 45418 (September 7, 2018).

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Survey of International Air Travelers

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to the Office of Management and Budget (OMB).

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 17, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to Richard Champley, Program Manager, ITA, *richard.champley@trade.gov,* (202) 482–4753 or Claudia Wolfe, Contracting Officer Representative (COR), ITA, *claudia.wolfe@trade.gov,* (202) 482–4555 or *PRAcomments@doc.gov.* Please reference OMB Control Number 0625–0227 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Richard Champley, Program Manager, or Claudia Wolfe, Contracting Officer Representative (COR), ITA National Travel & Tourism Office (NTTO). Contact information: *richard.champley@trade.gov* (202) 482–4753 or *claudia.wolfe@trade.gov* (202) 482–4555.

SUPPLEMENTARY INFORMATION:

I. Abstract

The ''Survey of International Air Travelers'' (Survey) program, administered by the National Travel and Tourism Office (NTTO) of the International Trade Administration provides source data required to: (1) Estimate international travel and passenger fare exports, imports and the trade balance for the United States, (2) comply with the *U.S. Travel Promotion Act of 2009* (Pub. L. 111–145), collect a one percent sample of inbound travelers, analyze and report information to government and industry stakeholders, and support the increase of U.S. exports, (3) to comply with the 1961, 1981, and 1996 travel and tourism related acts to collect and publish comprehensive international travel and tourism, statistics and other marketing information, and (4) support the continuation of the Travel & Tourism Satellite Accounts for the United States, which provide the only spending and employment figures for the industry, and (5) to support the goals of objectives of the National Travel & Tourism Strategy.

The Survey program contains the core data that is collected, analyzed, and communicated by NTTO with other government agencies, associations and businesses that share the same objective of increasing U.S. international travel exports. The Survey assists NTTO in assessing the economic impact of international travel on state and local economies, providing visitation estimates, key market intelligence, and identifying traveler and trip characteristics. The U.S. Department of Commerce assists travel industry enterprises to increase international travel and passenger fare exports for the country as well as outbound travel on U.S. carriers. The Survey program provides the only available estimates of nonresident visitation to the states and cities within the United States, as well as U.S. resident travel abroad.

A revised survey instrument (questionnaire) (English version plus its translations into eleven foreign languages) was implemented in 2012. It reflects input from over 70 respondents, including: Travel Industry (airlines, travel associations, destinations, lodging); Consultants; Financial Firms; Educational Institutions; and other U.S. Government Agencies. A minor ('non-substantive') change was implemented in 2016 to better reflect the visitor's entry experience into the United States. This was requested by the United States Travel and Tourism Advisory Board to measure compliance with U.S. National Goals.

The 2012 and 2016 revised Survey questionnaire reflect changes in various questions relating to: Trip purpose; payment methods; booking/information sources; additional package components, health care/vaccinations, travel insurance information, additional transportation utilized, assessment of the visitor's entry and overall experience; and intentions for further travel to the United States; and ethnicity/race. Several questions from the pre-existing 1996 questionnaire were eliminated to further streamline the survey.

Changes envisioned are: (1) Enhanced testing of the QR code/Mobile phone approach to leverage international airlines' growing capability of offering international Wi-Fi to its on-board passengers; (2) evaluation of a 'short form' version of the paper questionnaire (23 of the existing 33 questions) to reduce burden and improve passenger response rates when time is limited in the boarding area due to covid-19 restrictions; (3) evaluation of a ''land version'' of the questionnaire should the U.S. Department of Commerce implement a surveying process at the U.S.–Canada and U.S.–Mexico borders. (Note: The government of Canada has discontinued surveying Canadian residents who visited the United States and the government of Mexico does not disclose details on Mexican visitors to the United States. The *U.S. Travel Promotion Act of 2009* has mandated that the U.S. Department of Commerce implement a visitor data collection program on the southern border.)

II. Method of Collection

The survey instrument/questionnaire ('Survey of International Air Travelers', a/k/a SIAT) continues to be in paper format and is self-administered by the passenger who volunteers to take the survey, either while in the departure gate area or on-board the flight. The flights are randomly selected, and this approach is described as 'cluster sampling.' The majority (95%) of the passenger surveys are collected in U.S. airport departure gate areas. About 5% of all the passenger surveys are collected during flight (on-board) post departure (Canada has been included as part of the program in 2020). U.S. and foreign flag airlines that volunteer to participate in the Survey program enable the collection either in U.S. departure gate areas or on-board flights.

NTTO is planning to change the format to electronic or to an equally statistically valid process once compelling results have been attained. To date there have been five 'e-Survey' tests: The first test was in partnership with Global Distribution Systems (GDS); the second and third tests were with major airlines in their respective boarding areas to leverage passenger's personal electronic devices (PED) and Wi-Fi capabilities in the airports and on-board certain flights; the fourth test used 'tablet' devices to capture

passenger responses in the airport gate area at a major gateway airport; and the fifth test again tested passenger PEDs (mobile phone) through use of a 'QR' code since there have been improvements in Wi-Fi capabilities. Other tests are planned in the foreseeable future based on recommendations from the United States Travel and Tourism Advisory Board (TTAB).

The 2020 Pandemic (Corona Virus Disease 2019 or COVID–19) brought devastation to the United States and world economies. The travel and tourism industries were particularly hit hard, creating havoc with airline and airport-based data collection methods. International travel restrictions, cessation of international flight operations and airport barriers to entry for non-passenger personnel severely limited the U.S. Department of Commerce's ability to survey the number of passengers that were able to travel. (Note: travel to/from the United States was down −88% and −78%, respectively, in 2020).

Use of the QR code/Mobile phone approach was used selectively in situations when passenger respondents declined the paper survey due to perceived COVID–19 transmission concerns. In other situations, U.S. Department of Commerce field services administered a short form version of the questionnaire when time at the gate was limited. (Note: field service personnel were attired with appropriate personal protective equipment (PPE) and followed strict mitigation protocols).

III. Data

OMB Control Number: 0625–0227.

Form Number(s): None.

Type of Review: Extension of a current information collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 300,000 due to mandate of the U.S. Travel Promotion Act of 2009 which requires a 'one percent' sample of overseas arrivals.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 75,000.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Public Law 111–145.

IV. Request for Comments

We are soliciting public comments to permit the U.S. Department of Commerce to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the U.S. Department of Commerce, 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 through 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 its request to OMB to approve this Information Collection Request (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. 2021–05635 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NIST Associates Information System; Correction

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; correction.

SUMMARY: On March 15, 2021, the Department of Commerce, published a 30-day public comment period notice in the **Federal Register** with FR Document Number 2021–05296 (Pages 14313–14314), and on January 7, 2021, published a 60-day public comment period notice with FR Document Number 2021–00056 (Page 1089) seeking public comments for an information collection entitled, ''NIST Associates Information System.'' This document referenced incorrect information in the DATA section, and Commerce hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: For additional information concerning this correction, contact Maureen O'Reilly, NIST, Management Analyst, at *PRAcomments@doc.gov.*

SUPPLEMENTARY INFORMATION:

Correction

Data

Estimated Number of Respondents: 4,000.

Estimated Total Annual Burden Hours: 2,083.

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 initial publication notice date of March 15, 2021 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 0693–0067.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–05633 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA907]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Old Sitka Dock North Dolphins Expansion Project in Sitka, Alaska

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

ACTION: Notice; proposed issuance of an Incidental Harassment Authorization (IHA); request for comments.

SUMMARY: NMFS has received a request from Halibut Point Marine Services, LLC (HPMS) for an incidental harassment authorization (IHA) that

would cover a subset of the take authorized in an IHA previously issued HPMS to incidentally take marine mammals, by Level A and Level B harassment only, during construction activities associated with the Old Sitka Dock North Dolphins Expansion Project in Sitka, Alaska. Some changes have occurred during this year's evaluation of the project. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal IHA that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 19, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Meadows@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application, request for a new IHA, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation measures''). Monitoring and reporting of such takings are also required. The meaning of key terms such as ''take,'' ''harassment,'' and ''negligible impact'' can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency's regulations at 50 CFR 216.103.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

History of Request

On July 30, 2019, NMFS received a request from HPMS for an IHA to take marine mammals incidental to dock expansion activities. On April 8, 2020, NMFS issued an IHA to HPMS to take marine mammals incidental to the Old Sitka Dock North Dolphins Expansion Project in Sitka, Alaska (85 FR 21399, April 17, 2020), effective from October 1, 2020 through February 28, 2021. On February 3, 2021, NMFS received an application to complete the remaining work from the 2020 IHA. The application was deemed adequate and complete on February 21, 2021. As described in the application for the new IHA, the activities for which incidental take is requested were covered by the 2020 authorization but will not be completed prior to its expiration. HPMS requested the new IHA be effective from April 15, 2021 through April 14, 2022.

Description of the Specified Activities and Anticipated Impacts

As described in the 2020 IHA, HPMS is adding two additional dolphin structures and strengthening two existing dolphin structures at their deep-water dock facility in Sitka Sound. Construction at the dock facility includes vibratory pile installation (and small impact if necessary) and vibratory removal of eight temporary, 30-inch template pile structures, vibratory and impact installation of ten 48-inch permanent piles comprising the dolphins, and down-the-hole drilling to install eight bedrock anchors for the permanent piles of the dolphins. The only remaining work for this IHA is constructing one new dolphin (*i.e.,* four 30-inch template piles and four 48-inch piles). The remaining work consists of 9 days of in-water work.

Vibratory pile removal and installation, impact pile installation, and drilling activity will introduce underwater sounds that may result in take, by Level A and Level B harassment, of seven species (Level A harassment is authorized for only two of the seven species) of marine mammals across approximately 55.9 square

kilometers (km^2) (21.5 square miles) in Sitka Sound. As of February 21, 2021 the project has recorded small Level B harassment takes of three species. This IHA proposes to authorize the remaining take associated with the work not completed under the 2020 IHA. The original proposed and final IHA documents, monitoring report, and public comments can be found on our project web page at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-old-sitka-dock-north-dolphins-expansion-project-sitka-alaska.*

Detailed Description of the Activity

A detailed description of the demolition and construction activities for which take is proposed here may be found in the notices of the proposed and final IHAs for the 2020 IHA. The location, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices.

The 2020 IHA was only valid from October 1 through February 28 because HPMS believed their Army Corps of Engineers permit would prohibit work from March 1 and June 15, and that cruise ship activity would prevent work from May 1 to October 1. Thus the Endangered Species Act Biological Opinion also prohibited work from March 1 to October 1. As it turned out, the Army Corps of Engineers permit did not prohibit work between March 1 and June 15 and large cruise ship activity did not take place in 2020, nor is it expected to occur in the summer of 2021. This new IHA will be effective year-round, and the applicant hopes to begin work close to April 15. In this part of Alaska, herring are common during spring and summer as discussed in the proposed 2020 IHA. Steller's sea lions in particular are more common in the project area during this time because they feed on herring. Because of this, the applicant has requested a larger daily rate of Level B harassment take of Steller's sea lions as discussed below.

The 2020 IHA considered an impulsive source level for the effects of down-the-hole drilling that was in line with our previous understanding of that activity. Since the 2020 IHA was analyzed, our understanding of down-the-hole drilling has evolved based on recent hydroacoustic monitoring. Our recommended impulsive source level for calculating Level A harassment isopleths has changed for holes of the size HPMS is creating. Below we update our analysis and the Level A harassment isopleths using our current understanding of down-the-hole drilling.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the notices of the proposed and final IHAs for the 2020 authorization. NMFS has reviewed the monitoring data from the 2020 IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the 2020 IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is proposed here may be found in the notices of the proposed and final IHAs for the 2020 authorization. NMFS has reviewed the monitoring data from the 2020 IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that, besides the revised understanding of down-the-hole drilling source levels and Steller's sea lion occurrence mentioned above and analyzed below, neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the Notice of the Final IHA for the 2020 IHA. Specifically, the source levels, and days of operation applicable to this authorization remain unchanged from the previously issued IHA, except for the change to the down-the-hole drilling source level and Level A harassment zones described below and in Table 1. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA. The only change to the marine mammal density/occurrence data is an increase in Steller's sea lions around the time of the herring run as discussed below. The only change to the number of proposed takes, which are indicated below in Table 2, is to account for the increased occurrence of Steller's sea lions and the work remaining to be completed.

Because the Level B source levels and harassment zone sizes for down-the-hole drilling did not change from the 2020 IHA we do not propose changes to the overall or Level B harassment take from down-the-hole drilling. However, in the 2020 IHA we used a source level of 166.2 dB (RMS) (decibels root mean square) to calculate the Level A harassment isopleths for down-the-hole drilling. More recent hydroacoustic data and analysis from down-the-hole drilling projects has led us to recommend the use of a source level of 164 dB SELss (sound exposure level single strike) from Denes *et al.* (2019) for the impulsive component of this source relevant for Level A harassment isopleth calculation. Using this source level and the equivalent user spreadsheet inputs, the Level A harassment isopleths for the down-the-hole drilling increase from 10 to 336.5 m, depending on hearing group, in the 2020 IHA, to 26.1 to 873.7 m in this proposed IHA (Table 1).

TABLE 1—CALCULATED DISTANCES TO LEVEL A HARASSMENT ISOPLETHS FOR DOWN-THE-HOLE DRILLING FROM THE 2020 IHA AND THIS PROPOSED IHA

Activity	Level A harassment zone (m)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
33-inch down-the-hole (2020 IHA)	282.5	10.0	336.5	151.2	11.0
33-inch down-the-hole (this IHA)	733.5	26.1	873.7	392.5	28.6

While the Level A harassment zones for down-the-hole drilling increase for this proposed IHA as discussed above, we do not propose to increase the Level A harassment takes for any species. HPMS is planning to implement activity-specific shutdown zones that are larger than in the 2020 IHA for down-the-hole drilling for all hearing groups except high-frequency cetaceans (Table 3). The revised down-the-hole drilling shutdown zones for low- and mid-frequency cetaceans and otariids are smaller than the largest Level A shutdown zones for those groups in the 2020 IHA, which did not necessitate any Level A takes in the 2020 IHA. Shutdown zones are expected to be successful in mitigating take for all of these species. Therefore, there is no need to revise or add Level A takes for any of these species in this IHA. The preliminary monitoring report shows no Level A or Level B harassment take of harbor porpoises through the completion of half of the project. Therefore, we believe that the previously authorized daily rate of Level A harassment takes is adequate to complete the project. The preliminary monitoring report shows 1 Level B harassment take and no Level A harassment takes of harbor seals (phocid) through the completion of half of the project. We have also proposed doubling the size of the shutdown zone for harbor seals. Therefore, we believe that the previously authorized daily rate of Level A harassment takes is adequate to complete the project.

As discussed above, the 2020 IHA was not effective during the spring/summer run of herring upon which Steller's sea lions are known to congregate near to feed on. To account for this potential for HPMS construction activity to affect more Steller sea lions we are proposing to increase the estimate that two groups of eight Steller sea lions may occur within the Level B harassment zone on each of the days of in-water construction used in the 2020 IHA to three groups of eight Steller sea lions may occur within the Level B harassment zone on each of the days of in-water construction for this proposed IHA. Thus we propose that 8 animals in a group × 3 groups each day × 9 days of in water work = 216 Level B harassment takes be authorized. As discussed in the 2020 IHA NMFS has determined that for management purposes the proportion of Western Distinct Population Segment (DPS) Steller sea lions in that area will be calculated based on Hastings *et al.* (2020). As such, NMFS expects that 2.2 percent of Steller sea lions in the project area will be from the ESA-listed Western DPS, with the remaining 97.8 percent expected to be from the Eastern DPS. Therefore, of the 216 Level B harassment takes requested, 5 takes are expected to be of Steller sea lions from the ESA-listed Western DPS (western stock) and 211 are expected to be of Steller sea lions from the Eastern DPS (eastern stock).

Based on the above discussion therefore, the only changes to the take for this proposed IHA (Table 2) are to increase the proposed daily rate of take by Level B harassment for increased occurrence of Steller's sea lions.

TABLE 2—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Common name	Stock	Level A harassment take	Level B harassment take	Total take
Gray Whale	Eastern North Pacific	0	3	3
Minke Whale	Alaska	0	2	2
Humpback Whale	Central North Pacific	0	72	72
Killer Whale	Eastern North Pacific Alaska Resident	0	16	16
	Gulf of Alaska, Aleutian Islands, Bering Sea Transient.			
	Eastern North Pacific Northern Resident.			
	West Coast Transient.			
Harbor Porpoise	Southeast Alaska	4	45	49
Steller Sea Lion [a]	Eastern U.S.	0	211	211
	Western U.S.		5	5
Harbor Seal	Sitka/Chatham Strait	4	252	256

[a] Eastern U.S. and Western U.S. stocks correspond to the Eastern DPS and Western DPS, respectively.

TABLE 3—SHUTDOWN ZONES BY MARINE MAMMAL HEARING GROUP, PILE SIZE, AND METHOD

Activity	Shutdown zone (m)				
	LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Otariids
30-inch Vibratory Pile Driving/Removal	50	10	50	25	10
48-inch Vibratory Pile Driving	50	10	50	25	10
Down-the-hole Drilling (2020 IHA)	300	10	200	100	25
Down-the-hole Drilling (this IHA)	750	30	200	200	30
48-inch Impact Pile Driving *(and 30-inch impact pile driving, as necessary)*	825	50	100	100	50

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the 2020 IHA, except for the changes to the shutdown zones for down-the-hole drilling for low and mid-frequency cetaceans and pinnipeds discussed above. Because the estimated take, and total authorized take, has not increased, the discussion of the least practicable adverse impact included in in the **Federal Register** notice announcing the issuance of the 2020

IHA remains accurate. The following measures are proposed for this authorization:

- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For in-water heavy machinery work other than pile driving (*e.g.,* standard barges, etc.), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to the pile location; or (2) positioning of the pile on the substrate via a crane (*i.e.,* stabbing the pile);
- Drive all piles with a vibratory hammer until achieving a desired depth or refusal prior to using an impact hammer;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal will shut down immediately if such species are observed within or on a path towards the Level B harassment zone;
- If take reaches the authorized limit for an authorized species, pile installation will be shut down as these species approach the Level B harassment zone to avoid additional take;
- Implement all mitigation measures described in the biological opinion;
- Establish shutdown zones for all pile driving/removal and drilling activities. Shutdown zones will vary based on the activity type and marine mammal hearing group (see Table 3);
- Monitor the Level B harassment zones and Level A harassment zones;
- The placement of protected species observers (PSOs) during all pile driving and removal and drilling activities will ensure that the entire shutdown zone is visible during pile installation. Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone will not be visible (*e.g.,* fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected. Due to the large Level B harassment zones (Table 3), PSOs will not be able to effectively observe the entire zone. Therefore, Level B harassment exposures will be recorded and extrapolated based upon the number of observed takes and the percentage of the Level B harassment zone that was not visible;
- Soft Start—For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at 40 percent energy, followed by a 1 minute waiting period. This procedure will be conducted three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer;
- Pre-activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal or drilling of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the Level B harassment zone has been observed for 30 minutes and no species for which take is not authorized are present within the zone, soft start procedures can commence and work can continue even if visibility becomes impaired within the Level B harassment monitoring zone. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If the entire Level B harassment zone is not visible at the start of construction, pile driving or drilling activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of both the Level B harassment zone and shutdown zones will commence;
- Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal and drilling activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed or anchor shafts being drilled. Pile driving and drilling activities include the time to install, remove, or drill inside a single pile or series of piles, as long as the time elapsed between uses of the pile driving or drilling equipment is no more than thirty minutes;
- A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities. If no comments are received from NMFS within 30 days, the draft report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments; and
- In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the IHA-holder must immediately cease the specified activities and report the incident to the Office of Protected Resources (OPR) (301–427–8401), NMFS and to Alaska Regional Stranding Coordinator (907–586–7209) as soon as feasible.

Preliminary Determinations

The action in this IHA is identical to the action in the 2020 IHA except that work will now be allowed from April 15, 2021 through April 14, 2022, Steller's sea lion daily rate of take has increased, and the down-the-hole drilling Level A harassment source levels and zones have been updated to our current standards. As described in the notice of issuance of the 2020 final IHA (85 FR 21399, April 17, 2020) we found that HPMS' construction activities would have a negligible impact and that the taking would be small relative to population size. For this analysis of the new IHA we found that marine mammal abundance was still estimated to be the same or larger than was known for the 2020 IHA and that any changes did not affect our analysis or findings. Other marine mammal information and the potential effects were identical to the 2020 IHA. The estimated take was calculated identically to the 2020 IHA, except for Steller's sea lions. For Steller's sea lions the total take that occurred during the 2020 IHA plus the take authorized here are less than the take authorized in the 2020 IHA. Mitigation and monitoring are identical to the 2020 IHA except for the increase in Level A harassment and shutdown zones for the down-the-hole drilling for four hearing groups. These new zones are smaller that the existing zones for impact driving of the 48-inch piles, meaning there is no change to the largest Level A harassment or shutdown zones for the project as a whole, just potentially the number of days where larger Level A harassment and shutdown zones would need to be implemented.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the 2020 IHA. This includes consideration of the estimated

abundance of one stock of killer whales increasing slightly, the change in months of work and Steller's sea lion take per work day, and the updated consideration of own-the-hole drilling source levels and Level A harassment zones.

Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the proposed authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) HPMS' activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the Alaska Region, Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

Two marine mammal species, Mexico DPS humpback whales and Western DPS Steller sea lions, occur in the project area and are listed as threatened and endangered, respectively, under the ESA. The NMFS Alaska Regional OPR Division issued a Biological Opinion under section 7 of the ESA, on the issuance of an IHA to HPMS under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of either species, and is not likely to destroy or adversely modify western DPS Steller sea lion critical habitat. On February 23, 2021, the NMFS Alaska Regional Office Protected Resources Division notified us that they would issue a memo to the file, noting that the changes to allow work year round and to the down-the-hole drilling source levels do not alter the conclusions of the original Biological Opinion as long as the revised shutdown zones are implemented as additional mitigation and monitoring requirements, and no re-initiation of the consultation is necessary.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to HPMS for conducting the Old Sitka Dock North Dolphins Expansion Project in Sitka, Alaska from April 15, 2021 through April 14, 2022, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses (included in both this document and the referenced documents supporting the 2020 IHA), the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed construction activity at Old Sitka Dock. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a one-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Specified Activities section of this notice is planned or (2) the activities as described in the Specified Activities section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA);
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized;

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 12, 2021.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–05547 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA886]

Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2021 Research Fishery

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

ACTION: Notice of public meeting.

SUMMARY: On November 30, 2020, NMFS published a notice inviting qualified commercial shark permit holders to submit applications to participate in the 2021 Shark Research Fishery. The Shark Research Fishery allows for the collection of fishery-dependent data for future stock assessments and cooperative research with commercial fishermen to meet the shark research objectives of the Agency. Every year, the permit terms and permitted activities (*e.g.,* number of hooks and retention limits) specifically authorized for selected participants in the Shark Research Fishery are designated depending on the scientific and research needs of the Agency, as well as the number of NMFS-approved observers available. In order to inform selected participants of this year's specific permit requirements and ensure all terms and conditions of the permit

are met, NMFS is holding a meeting for selected participants. The date and time of that meeting is announced in this notice.

DATES: A conference call will be held on March 22, 2021.

ADDRESSES: A meeting will be conducted. See **SUPPLEMENTARY INFORMATION** for information on how to access the meeting.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford at (301) 427–8503 or Delisse Ortiz at (240) 681–9037.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) is implemented by regulations at 50 CFR part 635.

The final rule for Amendment 2 to the 2006 Consolidated HMS FMP (73 FR 35778, June 24, 2008, corrected at 73 FR 40658, July 15, 2008) established, among other things, a shark research fishery to maintain time-series data for stock assessments and to meet NMFS' research objectives. The Shark Research Fishery gathers important scientific data and allows selected commercial fishermen the opportunity to earn more revenue from selling the sharks caught, including sandbar sharks. Only the commercial shark fishermen selected to participate in the Shark Research Fishery are authorized to land/harvest sandbar sharks subject to the sandbar quota available each year. The 2021 base annual sandbar shark quota is 90.7 mt dressed weight (dw). The selected Shark Research Fishery participants also may fish using the research large coastal shark (§ 635.27(b)(1)(iii)(B)), small coastal shark (§ 635.27(b)(1)(i)(C) and (b)(1)(ii)(D)), and pelagic shark quotas (§ 635.27(b)(1)(iii)(D)) subject to the retention limits at § 635.24.

On November 30, 2020 (85 FR 76533), NMFS published a notice inviting qualified commercial shark directed and incidental permit holders to submit an application to participate in the 2021 Shark Research Fishery. NMFS received four applications and selected all four participants. In order to inform selected participants of this year's specific permit requirements and to ensure all terms and conditions of the permit are met, per the requirements of § 635.32(f)(4), NMFS is holding a mandatory permit holder meeting via conference call.

Meeting Date, Time, and Dial-In Number

The conference call will be held on March 22, 2021, from 12:00 to 1:30 p.m. (EDT). Participants and interested parties should join via Webex: *https://noaanmfs-meets.webex.com/noaanmfs-meets/onstage/g.php?MTID=e8b3199060b61df77141feb73910a581d.*

Event Number: 199 505 0346 Event Password: QMjwQScall or can call in using the conference line 1–415–527–5035 and the passcode 199 505 0346. Selected participants are strongly encouraged to attend. Selected participants who are unable to attend will not be allowed to participate in the Shark Research Fishery until they are able to discuss the terms and conditions of their Shark Research Fishery permit with NMFS staff. Selected participants are encouraged to invite their captain, crew, or anyone else who may assist them in meeting the terms and conditions of the Shark Research Fishery permit to the conference call. Other interested parties may call in and listen to the discussion.

Dated: March 12, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–05553 Filed 3–17–21; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Renewal of Consumer Advisory Board

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), after consultation with the Committee Management Secretariat of the General Services Administration, will renew the Consumer Advisory Board (the committee or the CAB) effective on March 18, 2021. The CAB will ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information'' as outlined in Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

FOR FURTHER INFORMATION CONTACT: Manny Mañón, Staff Director, Advisory Board and Councils Section, Office of Stakeholder Management, Consumer Education and External Affairs Division, at 202–435–9830, or *Emmanuel.Manon@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), the Bureau hereby gives notice of renewal of the Consumer Advisory Board, effective immediately. The CAB is a continuing committee being renewed for the purposes of compliance with FACA and applicable statutes. This committee is being renewed concurrently with the publication of this notice by filing a charter with the Acting Director of the Bureau, the Committee Management Secretariat of the General Services Administration, the Library of Congress, the Committee on Banking, Housing, and Urban Affairs of the United States Senate, and the Committee on Financial Services of the United States House of Representatives. The charter will also be posted on the Bureau's website at *www.consumerfinance.gov.* This charter will expire two years after the filing date unless renewed by appropriate action.

The CAB's purpose is outlined in Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), which states that the committee shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.''

To carry out the CAB's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The CAB will generally serve as a vehicle for trends and themes in the consumer finance marketplace for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services.

The duties of the CAB are solely advisory and shall extend only to its submission of advice and recommendations to the Bureau. The committee members will advise and consult with the Director and the Bureau on matters related to the committee's functions under the Dodd-Frank Act through committee and subcommittee meeting attendance and participation, fact and information exchange, submission of individual

advice, and other preparatory and administrative work. The CAB will have no formal decision-making role and no access to nonpublic CFPB information, to include confidential supervisory or other confidential information. The Bureau posts meeting minutes from the public advisory committee meetings on its website.

In accordance with Section 1014(b) of the Dodd-Frank Act, ''[i]-n appointing the members of the Consumer Advisory Board, the Director shall seek to assemble experts in consumer protection, financial services, community development, fair lending and civil rights, and consumer financial products or services and representatives of depository institutions that primarily serve underserved communities, and representatives of communities that have been significantly impacted by higher-priced mortgage loans, and seek representation of the interests of covered persons and consumers, without regard to party affiliation.''

The committee shall consist of no fewer than approximately ten members serving two-year terms, including at least six members appointed upon the recommendation of the regional Federal Reserve Bank Presidents on a rotating basis, and shall be chosen to ensure a fairly balanced membership. Equal opportunity practices in accordance with the Bureau's policies shall be followed in all appointments to the committee.

Dated: March 10, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021–05316 Filed 3–17–21; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Renewal of Community Bank Advisory Council

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), after consultation with the Committee Management Secretariat of the General Services Administration, will renew the Community Bank Advisory Council (the committee or the CBAC) effective on March 18, 2021. The CBAC was established to consult with the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of $10 billion or less.

FOR FURTHER INFORMATION CONTACT: Manny Mañón, Staff Director, Advisory Board and Councils Section, Office of Stakeholder Management, Consumer Education and External Affairs Division, at 202–435–9830, or *Emmanuel.Manon@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), the Bureau hereby gives notice of renewal of the Community Bank Advisory Council. The CBAC is a discretionary committee being renewed for the purposes of compliance with FACA and applicable statutes. This committee is being renewed concurrently with the publication of this notice by filing a charter with the Acting Director of the Bureau, the Committee Management Secretariat of the General Services Administration, the Library of Congress, the Committee on Banking, Housing, and Urban Affairs of the United States Senate, and the Committee on Financial Services of the United States House of Representatives. The charter will also be posted on the Bureau's website at *www.consumerfinance.gov.* This charter will expire two years after the filing date unless renewed by appropriate action.

The purpose of the CBAC is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of $10 billion or less. The Bureau's supervisory process provides an opportunity for learning and insight into the operations of financial institutions; having no corollary for small depository financial institutions, the Bureau created this committee to facilitate a similar opportunity for community banks to share insights regarding operational and technical considerations, community banking industry business practices, and the unique needs of their customers and communities. This group also provides timely and pertinent information on how Bureau policies impact community banks.

The duties of the CBAC are solely advisory and shall extend only to its submission of advice and recommendations to the Bureau relating to the activities and operations of community banks, which shall be non-binding on the Bureau. To ensure understanding of compliance and regulatory challenges faced by community banks, inclusion on the CBAC will be limited to community bank employees. No determination of fact or policy will be made by the committee, or its individual members, and the committee will have no formal decision-making role and no access to nonpublic CFPB information, to include confidential supervisory or other confidential information. The Bureau posts meeting minutes from the public advisory committee meetings on its website.

In appointing members to the committee, the Director shall seek to assemble members with diverse points of view, institution asset sizes, and geographical backgrounds. Only bank or thrift institution employees (*e.g.,* CEOs, compliance officers, government relations officials, etc.) will be considered for membership. Membership is limited to employees of banks and thrifts with total assets of $10 billion or less that are not affiliates of depository institutions or community banks with total assets of more than $10 billion.

The CBAC shall consist of at least eight members serving two-year terms. All members appointed by the Director shall serve at the pleasure of the Director. Equal opportunity practices in accordance with the Bureau's policies shall be followed in all appointments to the committee.

Dated: March 10, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021–05336 Filed 3–17–21; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Renewal of Academic Research Council

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), after consultation with the Committee Management Secretariat of the General Services Administration, will renew the Academic Research Council (the committee or the ARC) effective on March 18, 2021. The ARC will provide the Bureau with advice about its strategic research planning process and research agenda, including views on the research that the Bureau should conduct relating to consumer financial products or services, consumer behavior, cost-benefit analysis, or other topics to enable the agency to further its statutory purposes and objectives; and, provide

the Office of Research with technical advice and feedback on research methodologies, data collection strategies, and methods of analysis, including methodologies and strategies for quantifying the costs and benefits of regulatory actions.

FOR FURTHER INFORMATION CONTACT: Manny Mañón, Staff Director, Advisory Board and Councils Section, Office of Stakeholder Management, Consumer Education and External Affairs Division, at 202–435–9830, or *Emmanuel.Manon@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), the Bureau hereby gives notice of renewal of the Academic Research Council. The ARC is a discretionary committee being renewed for the purposes of compliance with FACA. This committee is being renewed concurrently with the publication of this notice by filing a charter with the Acting Director of the Bureau, the Committee Management Secretariat of the General Services Administration, the Library of Congress, the Committee on Banking, Housing, and Urban Affairs of the United States Senate, and the Committee on Financial Services of the United States House of Representatives. The charter will also be posted on the Bureau's website at *www.consumerfinance.gov.* This charter will expire two years after the filing date unless renewed by appropriate action.

The ARC will (1) provide the Bureau with advice about its strategic research planning process and research agenda, including views on the research that the Bureau should conduct relating to consumer financial products or services, consumer behavior, cost-benefit analysis, or other topics to enable the agency to further its statutory purposes and objectives; and, (2) provide the Office of Research with technical advice and feedback on research methodologies, data collection strategies, and methods of analysis, including methodologies and strategies for quantifying the costs and benefits of regulatory actions. The duties of the ARC are solely advisory and shall extend only to the submission of advice and recommendations to the Bureau. No determination of fact or policy will be made by the committee or its individual members, and the committee will have no formal decision-making role. The Bureau posts meeting minutes from the public advisory committee meetings on its website.

In appointing members to the committee, the Director shall seek to assemble members who are economic experts and academics with diverse points of view such as experienced economists with a strong research and publishing or practitioner background, and a record of involvement in research and public policy, including public or academic service. Additionally, members should be prominent experts who are recognized for their professional achievements and rigorous economic analysis including those specializing in household finance, finance, financial education, labor economics, industrial organization, public economics, and law and economics; and experts from related social sciences related to the Bureau's mission. In particular, the Director will seek to identify academics with strong methodological and technical expertise in structural or reduced form econometrics; modeling of consumer decision-making; survey and random controlled trial methods; cost-benefit analysis: Welfare economics and program evaluation; or marketing.

The ARC shall consist of at least seven members serving two-year terms. All members appointed by the Director shall serve at the pleasure of the Director. Equal opportunity practices in accordance with the Bureau's policies shall be followed in all appointments to the committee.

Dated: March 10, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021–05315 Filed 3–17–21; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Renewal of Credit Union Advisory Council

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), after consultation with the Committee Management Secretariat of the General Services Administration, will renew the Credit Union Advisory Council (the committee or the CUAC) effective on March 18, 2021. The CUAC was established to consult with the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to credit unions with total assets of $10 billion or less.

FOR FURTHER INFORMATION CONTACT: Manny Mañón, Staff Director, Advisory Board and Councils Section, Office of Stakeholder Management, Consumer Education and External Affairs Division, at 202–435–9830, or *Emmanuel.Manon@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), the Bureau hereby gives notice of re-establishment of the Credit Union Advisory Council. The CUAC is a discretionary committee being renewed for the purposes of compliance with FACA and applicable statutes. This committee is being renewed concurrently with the publication of this notice by filing a charter with the Acting Director of the Bureau, the Committee Management Secretariat of the General Services Administration, the Library of Congress, the Committee on Banking, Housing, and Urban Affairs of the United States Senate, and the Committee on Financial Services of the United States House of Representatives. The charter will also be posted on the Bureau's website at *www.consumerfinance.gov.* This charter will expire two years after the filing date unless renewed by appropriate action.

The purpose of the CUAC is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to credit unions with total assets of $10 billion or less. The Bureau's supervisory process provides an opportunity for learning and insight into the operations of financial institutions; having no corollary for small depository financial institutions, the Bureau created this committee to facilitate a similar opportunity for credit unions to share insights regarding operational and technical considerations, credit union business practices, and the unique needs of their customers and community. This group also provides timely and pertinent information about how Bureau policies impact the credit union industry.

The duties of the CUAC are solely advisory and shall extend only to its submission of advice and recommendations to the Bureau relating to the activities and operations of credit unions, which shall be non-binding on the Bureau. To ensure understanding of compliance and regulatory challenges faced by credit unions, inclusion on the CUAC will be limited to credit union employees. No determination of fact or policy will be made by the committee,

and the committee will have no formal decision-making role and no access to nonpublic CFPB information, to include confidential supervisory or other confidential information. The Bureau posts meeting minutes from the public advisory committee meetings on its website.

In appointing members to the committee, the Director shall seek to assemble members with diverse points of view, institution asset sizes, and geographical backgrounds. Only credit union employees (*e.g.,* CEOs, compliance officers, government relations officials, etc.) will be considered for membership. Membership is limited to employees of credit unions with total assets of $10 billion or less that are not affiliates of depository institutions or credit unions with total assets of more than $10 billion.

The CUAC shall consist of at least eight members serving two-year terms. All members appointed by the Director shall serve at the pleasure of the Director. Equal opportunity practices in accordance with the Bureau's policies shall be followed in all appointments to the CUAC.

Dated: March 10, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021–05319 Filed 3–17–21; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2020–HQ–0018]

Submission for OMB Review; Comment Request

AGENCY: United States Army Corps of Engineers, Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Lock Performance Monitoring System (LPMS) Waterway Traffic Report; ENG Forms 3102C and 3102D; OMB Control Number 0710–0008.

Type of Request: Extension.

Number of Respondents: 6,529.

Responses per Respondent: 72.6975.

Annual Responses: 474,642.

Average Burden per Response: 2.6 minutes.

Annual Burden Hours: 20,567.8.

Needs and Uses: The U.S. Army Corps of Engineers utilizes the data collected to monitor and analyze the use and operation of federally owned or operated locks. General data of vessel identification, tonnage, and commodities are supplied by the master of vessels and all locks owned and operated by the U.S. Army Corps of Engineers. The information is used for sizing and scheduling replacements, the timing of rehabilitation or maintenance actions, and the setting of operation procedures and closures for locks and canals. Respondents are vessel operators who provide the vessel identification, tonnage and community information as stipulated on ENG Form 3012C, Waterway Traffic Report—Vessel Log or ENG Form 3102D, Waterway Traffic Report—Detail Vessel Log.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Mr. Vlad Dorjets.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05574 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2021–HQ–0004]

Proposed Collection; Comment Request

AGENCY: Office of the Surgeon General, United States Medical Command (MEDCOM), Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Surgeon General, United States Medical Command (MEDCOM) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 17, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are

received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Army Public Health Center, Health Promotion and Wellness Directorate, Public Health Assessment Program, 5158 Blackhawk Road, Building E–1570, Aberdeen Proving Ground, MD 21010–5403, ATTN: Dr. Theresa Jackson Santo, 410–417–2844, or email *usarmy.apg.medcom-phc.mbx.hpw-webcontacts@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Heart of Recovery—Military Caregiver Needs Assessment; OMB Control Number 0702–0143.

Needs and Uses: The information collection requirement is necessary to support the formation of the United States Army Office of the Surgeon General Military Caregivers Program: Heart of Recovery.

Affected Public: Individuals or Households.

Annual Burden Hours: 2,500.

Number of Respondents: 5,000.

Responses per Respondent: 1.

Annual Responses: 5,000.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

This needs assessment seeks to identify the type(s) of support provided by caregivers; determine the level of burden experience by providing caregiver support; identify the health status of the caregiver population; determine services needed to provide caregiver support; and assess the need for caregiver support training. Respondents are military and/or civilian caregivers who provide unpaid care and assistance for, or manage the care of, someone who is an active-duty military member, Army National Guard, Army Reserve, or veteran that has been diagnosed with a service connected illness, injury, or impairment for which they require outside support. Data will be collected initially through an electronic questionnaire, followed by individual interviews conducted either in-person or telephonically. ''Outside support'' may include help with tasks such as personal care, bathing, dressing, feeding, giving medicines or treatments, help with memory tasks for those identified with brain trauma, assistance in coping with symptoms of post-traumatic stress disorder (PTSD), transportation to doctors' appointments, or arranging for services. Caregivers are not required to be domiciled with the patient receiving care to be eligible for this study. Care and assistance are considered unpaid if they provide care or assistance without the receipt (or expectation of) financial compensation. Compiling, analyzing, and understanding the responses of the various perspectives of patient care is necessary to set a baseline of care and identify core competencies, services, and support required for providers, patients and family members providing, accepting, or supporting injured Army members.

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05579 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS–2021–0005]

Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD is publishing the updated annual list of product categories for which the Federal Prison Industries' share of the DoD market is greater than five percent.

DATES: April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Greg Snyder, telephone 703–614–0719.

SUPPLEMENTARY INFORMATION: On November 19, 2009, a final rule was published in the **Federal Register** at 74 FR 59914, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) subpart 208.6 to implement section 827 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181). Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with DFARS 208.602–70.

The Principal Director, Defense Pricing and Contracting (DPC), issued a memorandum dated March 2, 2021, that provided the current list of product categories for which FPI's share of the DoD market is greater than five percent based on fiscal year 2020 data from the Federal Procurement Data System. The product categories to be competed effective April 1, 2021, are the following:

- 7110 (Office Furniture)
- 7125 (Cabinets, Lockers, Bins, and Shelving)
- 7210 (Household Furnishings)
- 8405 (Outerwear, Men's)
- 8415 (Clothing, Special Purpose)
- 8420 (Underwear and Nightwear, Men's)

The DPC memorandum with the current list of product categories for which FPI has a significant market share is posted at: *https://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison.*

The statute, as implemented, also requires DoD to—

(1) Include FPI in the solicitation process for these items. A timely offer from FPI must be considered and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v);

(2) Continue to conduct acquisitions, in accordance with FAR subpart 8.6, for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive (or fair opportunity) procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery; and

(3) Modify the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2021–05457 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–OS–0010]

Proposed Collection; Comment Request

AGENCY: Under Secretary of Defense for Research and Engineering, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Under Secretary of Defense for Research and Engineering announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 17, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Standardization Program Office, 8725 John J Kingman Rd, Stop 5100, Fort Belvoir, VA 22060–6220, ATTN: Mr. Timothy Koczanski, or call 571–767–6870.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certification of Qualified Products; DD Form 1718; OMB Control Number 0704–0487.

Needs and Uses: The information collection requirement is necessary to obtain, certify, and record qualification of products or processes falling under the DoD Qualification Program. Qualification ensures continued product performance, quality, and reliability. DD Form 1718 is sent to manufacturers every two years by the Qualifying Activity when the applicable specification does not contain complete requalification testing, and requests that manufacturers complete the form, certifying that their products still meet the specification requirements as originally tested. DD Form 1718 is included as an exhibit in an appeal or hearing case file as evidence of the reviewers' products or process qualifications in advance of, and independent of, acquisition.

Affected Public: Business or other for-profit.

Annual Burden Hours: 660.

Number of Respondents: 1,320.

Responses per Respondent: 1.

Annual Responses: 1,320.

Average Burden per Response: 30 minutes.

Frequency: Biennially.

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05580 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2020–OS–0098]

Submission for OMB Review; Comment Request

AGENCY: Washington Headquarters Service (WHS), Facilities Services Directorate (FSD), Enterprise Performance and IT Management Directorate (EPITMD), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery: Interactive Customer Evaluation (ICE) System; OMB Control Number 0704–0420.

Type of Request: Extension.

Number of Respondents: 80,652.

Responses per Respondent: 1.

Annual Responses: 80,652.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 4,033.

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per

respondent) and are low-cost for both the respondents and the Federal Government;

- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05571 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0012]

Proposed Collection; Comment Request

AGENCY: Defense Counterintelligence and Security Agency, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Counterintelligence and Security Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 17, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Counterintelligence and Security Agency, 27130 Telegraph Rd, Quantico, VA 22134–2253, ATTN: Mr. Christopher Pirch, or call 571–305–6241.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personnel Security Investigation Projection for Industry Census Survey; OMB Control Number 0704–0417.

Needs and Uses: Executive Order (E.O.) 12829, ''National Industrial Security Program (NISP),'' stipulates that the Secretary of Defense shall serve as the Executive Agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. The Under Secretary of Defense for Intelligence assigned Defense Counterintelligence and Security Agency (DCSA) the responsibility for central operational management of NISP personnel security investigation (PSI) workload projections, and for monitoring of NISP PSI funding and investigations. The execution of the collection instrument is an essential element of DCSA's ability to plan, program and budget for the PSI

needs of NISP personnel security investigations.

Affected Public: Businesses or other for-profit, not-for-profit institutions, state, local or tribal governments.

Annual Burden Hours: 5,333.

Number of Respondents: 7,999.

Responses per Respondent: 1.

Annual Responses: 7,999.

Average Burden per Response: 40 minutes.

Frequency: Annually.

Contractor entities are responsible for completing contractual requirements. Based on guidance contained in their contracts, they must identify which personnel will require background investigations for clearances in order to complete those contracts. Therefore, in order to comply with the terms of the Fiscal Year 2001 Defense Authorization Bill as they pertain to quantifying background investigation requirements and to ensure sufficient funding for these background investigations for clearances, DCSA must solicit input from the contractor entities regarding the numbers of each type of investigation they require for contract performance requiring access to classified information. The survey data are used to project case and cost estimates, integral to planning and programming for NISP personnel security investigations across the Fiscal Year Defense Plan.

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05577 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2020–OS–0088]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Youth Programs School Leaders Survey; OMB Control Number 0704–YPSL.

Type of Request: New collection.

Number of Respondents: 1,300.

Responses per Respondent: 1.

Annual Responses: 1,300.

Average Burden per Response: 9 minutes.

Annual Burden Hours: 195 hours.

Needs and Uses: The collection has several distinct tasks and includes a focus on the military-civilian divide. This information collection, using a nationally representative panel, is needed to learn about educators' awareness and knowledge of DoD youth programs. The collection will benefit further program and policy changes. This collection is also prescribed by DoDI 1025.8, ''National Guard Challenge Program.'' The respondents are U.S public and private schools, specifically the leaders or principals of these schools. This information is being collected to better understand how knowledgeable educators are of DoD youth programs.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05573 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0011]

Proposed Collection; Comment Request

AGENCY: The Defense Civilian Personnel Advisory Service (DCPAS), Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Civilian Personnel Advisory Service (DCPAS) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 17, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are

received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to The Defense Civilian Personnel Advisory Service (DCPAS), 4800 Mark Center Drive, Suite 06E22, Alexandria, VA 22350, Kisha Wilkins, 571–372–2238.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Telework Agreement; DD Form 2946; 0704–XXXX.

Needs and Uses: Information is collected to register individuals as participants in the DoD alternative workplace program; to manage and document the duties of participants; and to fund, evaluate and report on program activity. All employees who are authorized to telework shall complete a DD Form 2946. The DD Form 2946 shall be signed and dated by the employee and supervisor and maintained by the employee's supervisor. Components are encouraged to include a DD Form 2946 in the new employee on-boarding packages for those employees occupying telework eligible positions to ensure that they are aware of their telework responsibilities, should telework be offered or requested.

Affected Public: Individuals or households.

Annual Burden Hours: 186,667.

Number of Respondents: 560,000.

Responses per Respondent: 1.

Annual Responses: 560,000.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Respondents are individuals participating in the DoD alternative workplace program (telework).

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05578 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–OS–0013]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 17, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to OUSD P&R/Accession Policy, Pentagon Room 3D1066, 1500 Defense Pentagon, Washington, DC 20301–1500, Dennis Drogo, 703–697–9268.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: High School Recruiter Study; OMB Control Number 0704–XXXX.

Needs and Uses: The Office of the Under Secretary of Defense for Personnel and Readiness has funded a RAND study to assess the level of access and cooperation recruiters currently experience with schools from around the country, identify high school practices and school/school district policies that may facilitate or hinder recruiter access and provide recommendations to OSD on how to improve current recruiter practices and high school compliance. RAND will use the qualitative data to assess the level of recruiter access and nature of cooperation with high schools, as well as to identify LEA/high school practices and other factors that hinder and or facilitate access.

Affected Public: Individuals or households.

Annual Burden Hours: 84.

Number of Respondents: 84.

Responses per Respondent: 1.

Annual Responses: 84.

Average Burden per Response: 1 hour.

Frequency: Annually.

Respondents are high school districts (LEAs), high school administrators (*e.g.* principals or vice principals) and high school counselors to examine ways to improve recruiter access to high schools.

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05581 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2020–OS–0069]

Submission for OMB Review; Comment Request

AGENCY: National Defense University, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: National Defense University Student Profile; OMB Control Number 0704–XXXX.

Type of Request: Existing collection in use without an OMB Control Number.

Number of Respondents: 150.

Responses per Respondent: 1.

Annual Responses: 150.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 50 hours.

Needs and Uses: This information collection is required to complete the official student record, which is stored in the University Student Management System (USMS), a component of the National Defense University (NDU) Enterprise Information System. Through this information collection, students provide profile information such as demographics, educational background, military service or professional background, and emergency contact information. The information is critical to university operations as it is used to fulfill mandatory reporting requirements and ensure the safety of students. The information is collected from students electronically, via a web-based form that contains a combination of selected-response (radio buttons, drop-down menus) and open-response items. The National Defense University Student Profile (NSP) is completed by all students, but for the purposes of the Paperwork Reduction Act, this information collection request only covers NDU's relatively small student population of members of the public (foreign nationals and non-government employee U.S. civilians). The collection is administered using a Drupal-based survey platform provided by USA Learning. The data are downloaded, processed, and transferred to the USMS by NDU's Office of Institutional Research. The end result is a set of complete student records for each academic year in the official repository for such record. The data are used for various institutional purposes such as mandatory reporting and notifying students of emergencies or closures.

Affected Public: Individuals or Households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05572 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2020–OS–0099]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Policy, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Policy Pulse Survey, OMB Control Number 0704–0570.

Type of Request: Revision.

Number of Respondents: 198.

Responses per Respondent: 2.

Annual Responses: 396.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 99.

Needs and Uses: The information collection requirement is necessary to obtain and record responses from contractor personnel employed within the Office of the Under Secretary of Defense for Policy and its components. The survey results are analyzed by the Leadership and Organizational Development Office to assess the progress of the current human capital strategy and to address emerging human capital and training issues.

Affected Public: Individuals or households.

Frequency: Semi-annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–05575 Filed 3–17–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0001]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Freedom of Information Act (FOIA) Third Party Perjury Form

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before April 19, 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 Elise Cook, 202–401–3769.

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: Freedom of Information Act (FOIA) Third Party Perjury Form.

OMB Control Number: 1880–0545.

Type of Review: An extension of a currently approved information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 62,000.

Total Estimated Number of Annual Burden Hours: 31,000.

Abstract: This collection is necessary to certify the identity of individuals requesting information under the Freedom of Information Act (FOIA) and Privacy Act (PA). This certification is required under 5 U.S.C. 552a(b). The form is used by Privacy Act requesters to obtain personal records via regular mail, fax, or email. The department will use the information to help identify first-party or third-party requesters with same or similar name when requesting retrieval of their own documents.

Dated: March 15, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–05637 Filed 3–17–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0040]

Agency Information Collection Activities; Comment Request; Application for Flexibility for Equitable Per-Pupil Funding

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before May 17, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0040. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 6W208C Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melissa Siry, (202) 260–0926.

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: Application for Flexibility for Equitable Per-pupil Funding.

OMB Control Number: 1810–0734.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments *Total Estimated Number of Annual Responses:* 10.

Total Estimated Number of Annual Burden Hours: 560.

Abstract: This is a request to collect critical information for the Application for Flexibility for Equitable Per-pupil Funding, the instrument through which

local educational agencies (LEAs) apply for flexibility to consolidate eligible Federal funds and State and local education funding based on weighted per-pupil allocations for low-income and otherwise disadvantaged students. This program allows LEAs to consolidate funds under the following Federal education programs: Elementary and Secondary Education Act of 1965 (ESEA); Title I, Part A Improving Basic Programs Operated by Local Educational Agencies; Title I, Part C Education of Migratory Children; Title I, Part D, Subpart 2 Local Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk; Title II Preparing, Training, and Recruiting High-quality Teachers, Principals, or Other School Leaders; Title III Language Instruction for English Learners and Immigrant Students; Title IV, Part A Student Support and Academic Enrichment Grants; Title VI, Part B Rural Education Initiative. On December 10, 2015, the programs above were reauthorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). The Flexibility for Equitable Per-pupil Funding under section 1501 of the ESEA allows the U.S. Department of Education (Department) to offer an LEA the opportunity to consolidate funds under the above-listed programs to support the LEA in creating a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students, with attendant flexibility in using those funds.

Dated: March 15, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Office, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–05596 Filed 3–17–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–4–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act Notice of Technical Conference

In an order issued on October 8, 2004, the Commission set forth a guideline for Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act. *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures,* 109 FERC ¶ 61,040 (2004) (October 8 Order). The Commission required OFAs to submit their costs using the OFA Cost Submission Form. The October 8 Order also announced that a technical conference would be held for the purpose of reviewing the submitted cost forms and detailed supporting documentation.

The Commission will hold a technical conference, via conference call, at the time identified below. The technical conference will address the accepted costs submitted by the OFAs. The purpose of the conference will be for OFAs and licensees to discuss costs reported in the forms and any other supporting documentation or analyses.

The technical conference will also be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact the Ace-Federal Reporters, Inc., at 202–347–3700, or 1–800–336–6646. Two weeks after the post-forum meeting, the transcript will be available for free on the Commission's e-library system. Anyone without access to the Commission's website or who has questions about the technical conference should contact Raven A. Rodriguez at (202) 502–6276 or via email at *annualcharges@ferc.gov.*

FERC 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 (866) 208–3372 (voice), (202) 208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

Technical Conference Call

Date: Thursday, March 25, 2021.

Time: 2:00 p.m.–3:30 p.m. (EST).

Conference Call-in Information: Webex.

Meeting link: https://ferc.webex.com/ferc/j.php?MTID=mfb4235b9dced63d78802d90f55764f05.

Call-in Number: 415–527–5035.

Meeting ID Number (access code): 199 554 5257.

Meeting Password: QFqkTs93Ae4.

Dated: March 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05621 Filed 3–17–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2701–061]

Erie Boulevard Hydropower, L.P.; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License

b. Project No.: 2701–061

c. *Date Filed:* February 26, 2021

d. *Applicant:* Erie Boulevard Hydropower, L.P. (Erie)

e. *Name of Project:* West Canada Creek Hydroelectric Project

f. *Location:* The existing project is located on West Canada Creek, a tributary of the Mohawk River, in the counties of Oneida and Herkimer, New York. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. *Applicant Contact:* Steven Murphy, Director, Licensing, Brookfield Renewable, 33 West 1st Street South, Fulton, NY 13069, (315) 598–6130, *steven.murphy@brookfield renewable.com.* i. *FERC Contact:* Emily Carter, (202) 502–6512 or *Emily.Carter@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *Project Description:*

The project consists of the following two developments:

The Prospect Development includes: (1) A 176-acre impoundment with a normal surface elevation of 1,161.5 feet; [1] (2) a dam that consists of a 306-foot-long, 45-foot-high concrete overflow spillway with three 27-foot-wide Tainter gates; (3) a 400-foot-long, 47-foot-high north dike and a 475-foot-long, 47-foot-high south dike; (4) a 4,500-foot-long, 22-foot-high canal extending from the south dike to a concrete intake; (5) a 430-foot-long, 13.5-foot-diameter steel penstock leading from the intake to the 76-foot-long, 62-foot-wide reinforced concrete powerhouse containing a single turbine generator unit with a nameplate capacity of 17.3 megawatts (MW); (6) an approximate 1.2-mile-long bypassed

[1] All elevations refer to USGS mean sea level datum (National Geodetic Vertical Datum or NGVD).

reach between the Prospect dam and the powerhouse; (7) 6.9-kilovolt (kV) generator leads that run from the powerhouse to a substation with a 15-kV breaker, 6.6/46-kV transformer, and a 46-kV switch connecting to the National Grid interconnection point within the substation; and (8) appurtenant facilities.

The Trenton Development includes: (1) A 288-foot-long and 60-foot-high concrete and masonry dam having an overflow section with a crest elevation of 1,017.9 feet USGS, approximately 100 feet long surmounted by 6-foot hinged flashboards and a 10-foot by 15-foot sluice gate; (2) a concrete spillway approximately 160 feet long with a crest elevation of 1,016.2 feet USGS surmounted by a pneumatic flashboard system with a crest elevation of 1,023.9 feet USGS when fully inflated, discharging into a spillway channel excavated into rock around the east abutment of the dam; (3) a reservoir having a surface area of 9 acres and a gross storage capacity of 264 acre-feet at a normal pool elevation of 1,023.9 feet USGS; (4) six 5-foot-diameter sluice pipes through the dam and two concrete-sealed 5-foot-diameter pipes; (5) a reinforced-concrete intake structure having a lift gate and trashracks along the west bank of the reservoir; (6) a 14-foot-diameter conduit comprising: (a) a 1,275-foot-long concrete-lined tunnel section; (b) a 40-foot-long steel-lined tunnel section; and (c) a 2,075-foot-long steel pipe section; (7) a bifurcation; (8) a steel penstock comprising: (a) a short 12-foot-diameter section connecting to a surge tank and leading to a 125-foot-long, 12-foot-diameter section connecting to a manifold; and (b) three 138-foot-long, 7-foot-diameter sections serving generating Units 5, 6, and 7; (9) a 263-foot-long, 7-foot-diameter steel penstock to Units 1 through 4; (10) Units 1 through 4 in Powerhouse No. 1 retired in-place and Powerhouse No. 2 containing generating Unit 5 (7,400 kW), Unit 6 (7,650 kW), and Unit 7 (7,400 kW) for a total nameplate rating of 22,450-kW operated at a 255-foot head and a maximum flow of 1,450 cfs; (11) the 13.2-kV generator leads, the 15-kV switchgear, the 13.2/46-kV transformers, the 46-kV switchgear connecting to the main 46-kV bus, and the associated station services transformer banks and low voltage switchgear; and (12) appurtenant facilities.

The West Canada Creek Project operates off of outflows from the New York Power Authority's Hinckley-Jarvis Hydroelectric Project's (FERC No. 3211) reservoir (Hinckley reservoir) that discharges into the upper end of the Prospect Development's reservoir.

l. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested individuals an opportunity to view and/or print the contents of this document and the full license application via the internet through the Commission's Home Page (*www.ferc.gov*) using the ''eLibrary'' link. At this time, the Commission has suspended access to the Commission's Public Access Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659. The application can also be found on the applicant's website (*https://westcanadacreek.brookfieldusprojects.com/*).

m. 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, contact FERC Online Support.

n. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: March 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05620 Filed 3–17–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–31–000]

Texas Eastern Transmission, LP; Notice of Schedule for the Preparation of an Environmental Assessment for the Perulack Compressor Units Replacement Project

On January 15, 2021, Texas Eastern Transmission, LP (Texas Eastern) filed an application in Docket No. CP21–31–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) and 7(b) of the Natural Gas Act to construct, operate, and abandon certain natural gas pipeline facilities. The proposed project is known as the Perulack Compressor Units Replacement Project (Project), and would abandon by removal four existing compressor units and replace them with two new gas turbines to comply with air emission reduction requirements in Pennsylvania.

On February 2, 2021, 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 June 4, 2021
90-day Federal Authorization Decision Deadline September 2, 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

Texas Eastern proposes to abandon and remove four existing compressor units with a total certificated capacity of 34,800 horsepower (hp), install two new 18,100 hp units, and construct auxiliary appurtenant facilities at its existing Perulack Compressor Station in Juniata County, Pennsylvania. Texas Eastern would install related software controls that would limit each new compressor unit to 17,400 hp to be consistent with the current certificated capacity of the compressor station. Additionally, the Project would construct a new emergency generator, a new compressor building to house the two new compressor units, a new service entry building, two new electric buildings, a new stormwater management retention basin, and convert an existing compressor building into a storage warehouse.

Background

On March 3, 2021, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Perulack Compressor Units Replacement Project.* The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials;

[1] 40 CFR 1501.10 (2020).

Native American tribes; and local libraries and newspapers. All substantive 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.,* CP21–31), 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.

Dated: March 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05619 Filed 3–17–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0750; FRL–10019–40]

Pesticide Registration Review; Proposed Interim Decisions for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions for the following pesticides: 4-Aminopyridine, 10, 10′-Oxybisphenoxarsine (OBPA), acetochlor, citric acid and salts, dimethenamid/dimethenamid-p, ethofumesate, fenazaquin, forchlorfenuron, monosodium methanearsonate (MSMA), novaluron, nucleopolyhedroviruses and granuloviruses (Insect Viruses), picloram, polixetonium chloride (Busan 77), and rotenone. In addition, the human health and ecological risk assessments for fenazaquin and MSMA and the preliminary work plan for citric acid and salts are also being published for public comment at this time.

DATES: Comments must be received on or before May 17, 2021.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, 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 *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.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room are closed to public 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 pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@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, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

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 on 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. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the

Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in Table 1 and opens a 60-day public comment period on the proposed interim registration review decisions. In addition, the human health and ecological risk assessments for fenazaquin and monosodium methanearsonate (MSMA) and the preliminary work plan for citric acid and salts are also being published for comment at this time.

TABLE 1—PROPOSED INTERIM DECISIONS

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
10, 10′-Oxybisphenoxarsine (OBPA), Case Number 0044.	EPA–HQ–OPP–2009–0618	Megan Snyderman, *snyderman.megan@epa.gov*, (703) 347–0671.
4-Aminopyridine, Case Number 0015	EPA–HQ–OPP–2016–0030	Samantha Thomas, *thomas.samantha@epa.gov*, (703) 347–0514.
Acetochlor, Case Number 7230	EPA–HQ–OPP–2016–0298	Anna Romanovsky, *romanovsky.anna@epa.gov*, (703) 347–0203.
Citric Acid and Salts, Case Number 4024	EPA–HQ–OPP–2020–0558	Jessie Bailey, *bailey.jessica@epa.gov*, (703) 347–0148.
Dimethenamid/Dimethenamid-p, Case Number 7223	EPA–HQ–OPP–2015–0803	Lauren Weissenborn, *weissenborn.lauren@epa.gov*, (703) 347–8601.
Ethofumesate, Case Number 2265	EPA–HQ–OPP–2015–0406	James Douglass, *douglass.james@epa.gov*, (703) 347–8630.
Fenazaquin, Case Number 7447	EPA–HQ–OPP–2020–0081	Katherine Atha, *atha.katherine@epa.gov*, (703) 347–0183.
Forchlorfenuron, Case Number 7057	EPA–HQ–OPP–2014–0641	Srijana Shrestha, *shrestha.srijana@epa.gov*, (703) 305–6471.
Monosodium Methanearsonate (MSMA), Case Number 2395.	EPA–HQ–OPP–2013–0107	Lauren Weissenborn, *weissenborn.lauren@epa.gov*, (703) 347–8601.
Novaluron, Case Number 7615	EPA–HQ–OPP–2015–0171	Robert Little, *little.robert@epa.gov*, (703) 347–8156.
Nucleopolyhedroviruses and Granuloviruses (Insect Viruses), Case Number 4106.	EPA–HQ–OPP–2011–0694	Joseph Mabon, *mabon.joseph@epa.gov*, (703) 347–0177.
Picloram, Case Number 0096	EPA–HQ–OPP–2013–0740	Andy Muench, *muench.andrew@epa.gov*, (703) 347–8263.
Polixetonium Chloride (Busan 77), Case Number 3034	EPA–HQ–OPP–2015–0256	Peter Bergquist, *bergquist.peter@epa.gov*, (703) 347–8563.
Rotenone, Case Number 0255	EPA–HQ–OPP–2015–0572	R. David Jones, *jones.rdavid@epa.gov*, (703) 305–6725.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the tables in Unit IV, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in Table 1 in Unit IV.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Tables in Unit IV. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 11, 2021.

Mary Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2021–05606 Filed 3–17–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–32–Region 9]

Public Water System Supervision Program Revisions for the Navajo Nation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the Navajo Nation revised its approved

Public Water System Supervision (PWSS) Program under the federal Safe Drinking Water Act (SDWA) by adopting the Radionuclides Rule. The Environmental Protection Agency (EPA) has determined that these revisions by the Navajo Nation are no less stringent than the corresponding Federal regulations and otherwise meet applicable SDWA primacy requirements. Therefore, the EPA intends to approve the stated revisions to the Navajo Nation's PWSS Program.

DATES: A request for a public hearing must be received or postmarked before April 19, 2021.

ADDRESSES: All documents relating to this determination are available online at *http://www.navajoepa.org.* Should you have difficulty accessing the website, please contact Yolanda Barney, Navajo PWSS Program, at (928) 871–7715; or via email at *ybarney@navajopublicwater.org.*

FOR FURTHER INFORMATION CONTACT: Adam Ramos, EPA Region 9, Drinking Water Section (WTR–4–1), 75 Hawthorne Street, San Francisco, CA 94105; via telephone at (415) 972–3450; or via email address at *ramos.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background. The EPA approved the Navajo Nation's initial application for PWSS Program primary enforcement authority (''primacy'') on October 23, 2000 (65 FR 66541). Since initial approval, EPA has approved various revisions to Navajo Nation's PWSS Program. For the revisions covered by this action, the EPA revised the Radionuclides Rule on December 7, 2000 (66 Fed. Reg 76708). The revisions set new monitoring provisions for community water systems (CWS), retain the existing MCLs for combined radium-226 and radium-228, gross alpha particle radioactivity, beta particle and photon activity, and regulate uranium for the first time. EPA has determined that the Radionuclides Rule requirements were incorporated by reference into the Navajo Nation Primary Drinking Water Regulations, Part II Maximum Contaminant Levels, Part IV Sampling and Analytical Requirements and Appendix B—Public Notification of Drinking Water Violations and Appendix F—Consumer Confidence Report, in a manner that Navajo Nation's regulations are comparable to and no less stringent than the federal requirements. Therefore, EPA intends to approve these revisions as part of Navajo Nation's PWSS Program.

Public Process. Any interested party may request a public hearing on this determination. A request for a public hearing must be received or postmarked by April 19, 2021, and addressed to the Regional Administrator of EPA Region 9, via the following email address: *R9dw-program@epa.gov.* The Regional Administrator (RA) may deny frivolous or insubstantial requests for a hearing. If a substantial request for a public hearing is made by April 19, 2021, EPA Region 9 will hold a public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; 2. A brief statement of the requesting person's or organization's interest in the RA's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If EPA Region 9 does not receive a timely and substantive request for a hearing and the Regional Administrator does not elect to hold a hearing on her own motion, the determination at issue in this notice, the EPA's approval shall become final and effective on April 19, 2021, and no further public notice will be issued.

Authority: Section 1413 of the Safe Drinking Water Act, 42 U.S.C. 300g–2 (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: March 11, 2021.

Deborah Jordan,

Acting Regional Administrator, EPA Region 9.

[FR Doc. 2021–05569 Filed 3–17–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0751; FRL–10019–48]

Pesticide Registration Review; Interim Decisions and Case Closures for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's interim registration review decisions for the following chemicals: 1,4-DMN and 2,6-DIPN, acequinocyl, clopyralid, dithiopyr, etridiazole, fenpropimorph, fenpyroximate, flonicamid, flumetralin, formetanate HCl, hypochlorous acid, mandipropamid, MCPB, *Metarhizium anisopliae,* metolachlor/*S*-metolachlor, naphthalene, para-dichlorobenzene (PDCB), propanil, terbacil, and triclopyr. It also announces the posting of the amended interim decision for buprofezin. In addition, it announces the closure of the registration review case for *Bacillus cereus* strain BP01, *Pantoea agglomerans* strain C9–1, and *Pantoea agglomerans* strain E325 because the last U.S. registrations for these pesticides have been canceled.

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, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the pesticide specific contact person listed under **FOR FURTHER INFORMATION CONTACT**: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's interim registration review decisions and case closures for the pesticides shown in the following table. The interim registration review decisions are supported by rationales included in the docket established for each chemical.

TABLE—REGISTRATION REVIEW INTERIM DECISIONS BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
1,4-DMN and 2,6-DIPN, Case Number 6029	EPA–HQ–OPP–2012–0670	Joseph Mabon, *mabon.joseph@epa.gov*, 703–347–0177.
Acequinocyl, Case Number 7621	EPA–HQ–OPP–2015–0203	Rachel Eberius, *eberius.rachel@epa.gov*, 703–347–0492.
Bacillus cereus strain BP01, Case Number 6053	EPA–HQ–OPP–2011–0493	Alexandra Boukedes, *boukedes.alexandra@epa.gov*, 703–347–0305.
Buprofezin, Case Number 7462	EPA–HQ–OPP–2012–0373	Patricia Biggio, *biggio.patricia@epa.gov*, 703–347–0547.
Clopyralid, Case Number 7212	EPA–HQ–OPP–2014–0167	Andy Muench, *muench.andrew@epa.gov*, 703–347–8263.
Dithiopyr, Case Number 7225	EPA–HQ–OPP–2013–0750	Veronica Dutch, *dutch.veronica@epa.gov*, 703–308–8585.
Etridiazole, Case Number 0009	EPA–HQ–OPP–2014–0414	Jonathan Williams, *williams.jonathanr@epa.gov*, 703–347–0670.
Fenpropimorph, Case Number 5112	EPA–HQ–OPP–2014–0404	Peter Bergquist, *bergquist.peter@epa.gov*, 703–347–8563.
Fenpyroximate, Case Number 7432	EPA–HQ–OPP–2014–0572	Carolyn Smith, *smith.carolyn@epa.gov*, 703–347–8325.
Flonicamid, Case Number 7436	EPA–HQ–OPP–2014–0777	Alexandra Feitel, *feitel.alexandra@epa.gov*, 703–347–8631.
Flumetralin, Case Number 4119	EPA–HQ–OPP–2015–0076	Theodore Varns, *varns.theodore@epa.gov*, 703–347–8589.
Formetanate HCl, Case Number 0091	EPA–HQ–OPP–2010–0939	Anna Nitzken, *nitzken.anna@epa.gov*, 703–347–0555.
Hypochlorous Acid, Case 5090	EPA–HQ–OPP–2020–0244	Jessie Bailey, *bailey.jessica@epa.gov*, 703–347–0148.
Mandipropamid, Case Number 7058	EPA–HQ–OPP–2019–0536	Michelle Nolan, *nolan.michelle@epa.gov*, (703) 347–0258.
MCPB, Case Number 2365	EPA–HQ–OPP–2014–0181	Matthew B. Khan, *khan.matthew@epa.gov*, 703–347–8613.
Metarhizium anisopliae, Case Number 6024	EPA–HQ–OPP–2009–0510	Susanne Cerrelli, *cerrelli.susanne@epa.gov*, 703–308–8077.
Metolachlor/*S*-metolachlor, Case 0001	EPA–HQ–OPP–2014–0772	Ana Pinto, *pinto.ana@epa.gov*, 703–347–8421.
Naphthalene, Case 0022	EPA–HQ–OPP–2016–0113	Christian Bongard, *bongard.christian@epa.gov*, 703–347–0337.
Pantoea agglomerans strain C9–1, Case Number 6506	EPA–HQ–OPP–2017–0172	Bibiana Oe, *oe.bibiana@epa.gov*, 703–347–8162.
Pantoea agglomerans strain E325, Case Number 6507	EPA–HQ–OPP–2017–0172	Bibiana Oe, *oe.bibiana@epa.gov*, 703–347–8162.
Para-Dichlorobenzene (PDCB), Case 3058	EPA–HQ–OPP–2016–0117	Christian Bongard, *bongard.christian@epa.gov*, 703–347–0337.
Propanil, Case 0226	EPA–HQ–OPP–2015–0052	Tiffany Green, *green.tiffany@epa.gov*, 703–347–0314.
Terbacil, Case Number 0039	EPA–HQ–OPP–2011–0054	Katherine Atha, *atha.katherine@epa.gov*, 703–347–0183.
Triclopyr, Case Number 2710	EPA–HQ–OPP–2014–0576	Andy Muench, *muench.andrew@epa.gov*, 703–347–8263.

The proposed interim registration review decisions for the chemicals in the table above were posted to the docket and the public was invited to submit any comments or new information. EPA addressed the comments or information received during the 60-day comment period for the proposed interim decisions in the discussion for each pesticide listed in the table. Comments from the 60-day comment period that were received may or may not have affected the Agency's interim decision. Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in the Table will remain open until all actions required in the interim decision have been completed.

This document also announces the closure of the registration review case for *Bacillus cereus* strain BP01 (Case Number 6053, Docket ID Number EPA–HQ–OPP–2011–0493), *Pantoea agglomerans* strain C9–1 (Case Number 6506, Docket ID Number EPA–HQ–OPP–2017–0172), and *Pantoea agglomerans* strain E325 (Case Number 6507, Docket ID Number EPA–HQ–OPP–2017–0172) because the last U.S. registrations for these pesticides have been canceled.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 7, 2021.

Mary Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2021–05622 Filed 3–17–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0693 and EPA–HQ–OPP–2019–0161; FRL–10019–54]

Final Test Guidelines; OCSPP Series 810—Product Performance Test Guidelines; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of the final product performance test guidelines for fire ants and invertebrate pests of pets. These test guidelines are part of a series of test guidelines established by the Office of Chemical Safety and Pollution Prevention (OCSPP) for use in testing pesticides and chemical substances. The test guidelines serve as a compendium of accepted scientific methodologies and protocols for testing that are intended to provide data to inform regulatory decisions. These test guidelines, which are identified as OCSPP Test Guideline 810.3100 and 810.3300, provide guidance for conducting a study to determine pesticide product performance against fire ants and invertebrate pests of pets, respectively, and are used by EPA, the public, and companies that submit data to EPA.

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

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is announcing the availability of the following final test guidelines: OCSPP Test Guideline 810.3100: Treatments for Imported Fire Ants and 810.3300: The Efficacy of Topically Applied Pet Products Against Certain Invertebrate Pests.

These test guidelines are part of a series of test guidelines established by OCSPP for use in testing pesticides and chemical substances to develop data for submission to the Agency under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408 (21 U.S.C. 346a), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*), and the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*). The test guidelines serve as a compendium of accepted scientific methodologies and protocols that are intended to provide data to inform regulatory decisions under TSCA, FIFRA, and/or FFDCA.

The test guidelines are used by EPA, the public, and companies that are subject to data submission requirements under TSCA, FIFRA, and/or FFDCA. As guidance documents, the test guidelines are not binding on either EPA or any outside parties, and EPA may depart from the test guidelines where circumstances warrant and without prior notice. At places in this guidance, the Agency uses the word ''should.'' In this guidance, use of ''should'' with regard to an action means that the action is recommended rather than mandatory. The procedures contained in the test guidelines are recommended for generating the data that are the subject of the test guideline, but EPA recognizes that departures may be appropriate in specific situations. You may propose alternatives to the recommendations described in the test guidelines, and the Agency will assess them for appropriateness on a case-by-case basis.

II. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of pesticides and chemical substances for submission to EPA under TSCA, FIFRA, and/or FFDCA, 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?

1. *Docket for this document.* The dockets for this action, identified by docket identification (ID) numbers EPA–HQ–OPP–2017–0693 and EPA–HQ–OPP–2019–0161, 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 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 emergency, 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.*

2. *Electronic access to the OCSPP test guidelines.* To access OCSPP test guidelines electronically, please go to *http://www.epa.gov/ocspp/pubs/frs/home/testmeth.htm.* You may also access the test guidelines in *http://www.regulations.gov,* grouped by series under docket ID numbers: EPA–HQ–OPPT–2009–0150 through EPA–HQ–OPPT–2009–0159 and EPA–HQ–OPPT–2009–0576.

III. Overview

A. What action is EPA taking?

EPA is announcing the availability of final test guidelines under Series 810.3100 entitled ''Treatments for Imported Fire Ants'' and identified as OCSPP Test Guideline 810.3100, and Series 810.3300 entitled ''The Efficacy of Topically Applied Pet Products Against Certain Invertebrate Pests'' and identified as OCSPP Test Guideline 810.3300. These revised guidelines replace the original versions published in 1998. The guidelines provide recommendations for the design and execution of studies to evaluate the performance of pesticide products intended for use against fire ants and invertebrate pests of pests, such as fleas, ticks, and mosquitoes, in connection with registration of pesticide products under the FIFRA (7 U.S.C. 136, *et seq.*).

B. How were these final test guidelines developed?

EPA-registered pesticide products are an important part of pest management programs for pests of pets and premises. The Agency developed the product performance test guidelines to standardize the approaches to testing methods to ensure the quality and validity of the efficacy data for these types of products. The Agency attended entomology conferences, consulted with leading academics, and reviewed peer-reviewed scientific journal articles on topics related to the guideline to draft the original document. Further, EPA sought advice and recommendations from FIFRA Scientific Advisory Panels (SAPs) and the public. The SAP meetings, held on May 8–10, 2018, and June 11–14, 2019, were announced in the **Federal Register** issues of January 26, 2018 (83 FR 3704) (FRL–9972–65) and April 15, 2019 (84 FR 15214) (FRL–9991–80), respectively. These guidelines

have been revised based on comments from the SAPs and the public. The revisions to the fire ant guideline include the expansion of the guideline applicability to other ants in the *Solenopsis saevissima* complex, removal of the need to test in multiple geographically distinct locations and with both social forms of fire ants, inclusion of additional options for both field and laboratory test designs, and decreasing the number of ants needed for laboratory tests. The revisions to the pet product guideline include decreasing the number of animals used for tick testing, simplifying the tick test data collection categories, removing dead pest counts in favor of live pest counts, and revising the negative control for shampoo treatments from a placebo control to an untreated control. The Agency is also making available in the dockets the Response to Comments documents that address issues raised in the public comment submissions.

C. Do guidance documents contain binding requirements?

As guidance, the test guidelines are not binding on the Agency or any outside parties, and the Agency may depart from it where circumstances warrant and without prior notice. While EPA has made every effort to ensure the accuracy of the discussion in the guidance, the obligations of EPA and the regulated community are determined by statutes, regulations, or other legally binding documents. In the event of a conflict between the discussion in the guidance document and any statute, regulation, or other legally binding document, the guidance document will not be controlling.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.* This unit addresses those requirements that apply to a guidance document.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

The Office of Management and Budget (OMB) determined that the final test guideline documents are not significant regulatory actions under Executive Order 12866 (58 FR 51735, October 4, 1993). The final guidelines were not, therefore, submitted to OMB for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

These test guidelines do not create paperwork burdens that require additional approval by OMB under the PRA, 44 U.S.C. 3501 *et seq.* The information collection activities associated with pesticide registration are already approved by OMB under OMB Control No. 2070–0060.

Authority: 7 U.S.C. 136 *et seq.;* 15 U.S.C. 2601 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: March 10, 2021.

Michal Freedhoff,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2021–05628 Filed 3–17–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0931; FRS 17562]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 17, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0931.

Title: Section 80.103, Digital Selective Calling (DSC) Operating Procedures—Maritime Mobile Identity (MMSI).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit entities and Federal Government.

Number of Respondents and Responses: 40,000 respondents; 40,000 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this Information collection is in 47 U.S.C. 154, 303, 307(e), 309 and 332 of the Communications Act of 1934, as amended. The reporting requirement is contained in international agreements and ITU–R M.541.9.

Total Annual Burden: 10,000 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: Yes. The FCC maintains a system of records notice (SORN), FCC/WTB–1, ''Wireless Services Licensing Records'' that covers the collection, purpose(s), storage, safeguards, and disposal of the PII that marine VHF radio licensees maintain under 47 CFR 80.103.

Nature and Extent of Confidentiality: There is a need for confidentiality with respect to all owners of Marine VHF radios with Digital Selective Calling (DSC) capability in this collection. The licensee records will be publicly available and routinely used in accordance with subsection (b) of the Privacy Act of 1974. FRN numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR 0.459 of the Commission's rules will not be available for public inspection. Any personally identifiable information (PII) that individual applicants provide is covered

by a system of records, FCC/WTB–1, ''Wireless Services Licensing Records'', and these and all other records may be disclosed pursuant to the Routine Uses as stated in the SORN.

Needs and Uses: The information collected is necessary to require owners of marine VHF radios with Digital Selective Calling (DSC) capability to register information such as the name, address, type of vessel with a private entity issuing marine mobile service identities (MMSI). The information would be used by search and rescue personnel to identify vessels in distress and to select the proper rescue units and search methods.

The requirement to collect this information is contained in international agreements with the U.S. Coast Guard and private sector entities that issue MMSI's.

The information is used by private entities to maintain a database used to provide information about the vessel owner in distress using marine VHF radios with DSC capability. If the data were not collected, the U.S. Coast Guard would not have access to this information which would increase the time and effort needed to complete a search and rescue operation.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer.

[FR Doc. 2021–05563 Filed 3–17–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, March 23, 2021 at 10:00 a.m. and its continuation at the conclusion of the open meeting on March 25, 2021.

PLACE: 1050 First Street NE, Washington, DC. (This meeting will be a virtual meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance matters pursuant to 52 U.S.C. 30109.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2021–05816 Filed 3–16–21; 4:15 pm]

BILLING CODE 6715–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Public Comment Period Extended for Strategies To Improve Patient Safety: Draft Report to Congress for Public Comment and Review by the National Academy of Medicine

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of extension in comment period.

SUMMARY: As required by the Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act), the Secretary of HHS (the Secretary) is making this draft report on effective strategies for reducing medical errors and increasing patient safety available to the public for review and comment. Through this notice the comment period is extended. The subject matter content remains unchanged from the original notice which was published on December 16, 2020 (*https://www.federalregister.gov/documents/2020/12/16/2020-27589/notice-of-opportunity-to-comment-on-strategies-to-improve-patient-safety-draft-report-to-congress*).

DATES: Submit comments on or before April 5, 2021.

ADDRESSES: The draft report, Strategies to Improve Patient Safety: Draft Report to Congress for Public Comment and Review by the National Academy of Medicine, can be accessed electronically at the following HHS website: *https://pso.ahrq.gov/legislation/act.* Comments on the draft report must be submitted by email to *PSQIA.RC@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Paula DiStabile, Patient Safety Organization Division, Center for Quality Improvement and Patient Safety, AHRQ; telephone (toll free): (866) 403–3697; telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; email: *PSQIA.RC@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Secretary, in consultation with the Director of AHRQ, has prepared a draft report on effective strategies for reducing medical errors and increasing patient safety as required by the Patient Safety Act. The report includes measures determined appropriate by the Secretary to encourage the appropriate use of such strategies, including use in any federally funded programs. The draft report is now available for public comment and has been submitted to the National Academy of Medicine for review. The final report is required to be submitted to Congress no later than December 21, 2021. The specific provision describing these requirements can be found at 42 U.S.C. 299b–22(j).

The Patient Safety Act created a framework for the development of a voluntary patient safety event reporting system to advance patient safety and quality of care across the Nation. Without limiting patients' rights to their medical information, the law created Federal legal privilege and confidentiality protections for patient safety work product; that is, information exchanged between healthcare providers and organizations listed by the Secretary that specialize in patient safety and quality improvement, called patient safety organizations (PSOs). The law charged PSOs with analyzing and using this information to provide feedback and assistance to help providers minimize patient risk and improve the safety and quality of their care. More information about the Patient Safety Act, its implementing regulation, and PSOs can be found at *https://pso.ahrq.gov/.*

In addition to creating a protected legal environment where healthcare providers can share information and learning for improvement purposes beyond organizational and State boundaries, Congress also envisioned and created the potential for aggregating and analyzing patient safety data on a national scale. This part of the Patient Safety Act, the network of patient safety databases (NPSD), is a mechanism that can leverage data contributed by individual healthcare providers and PSOs across the United States into a valuable national resource for improving patient safety. Congress required the draft report that is the subject of this Notice to be made available for public comment and submitted to the Institute of Medicine (now the National Academy of Medicine) no later than 18 months after the NPSD became operational. The NPSD became operational on June 21, 2019. More information about the NPSD

can be found at *https://www.ahrq.gov/npsd/index.html.*

Overview of the Draft Report

The draft report contains three chapters. It begins with an overview of the impetus for and objectives of the Patient Safety Act, its key provisions, and some milestones in its implementation. Chapter 2 reviews some of the principles and concepts underlying effective patient safety improvement, provides an overview of research and measurement in patient safety, and presents the strategies and practices for reducing medical errors and increasing patient safety reviewed in AHRQ's Making Healthcare Safer reports, published in 2001, 2013, and 2020. Together, these reports reviewed the existing evidence for the effectiveness of more than 100 patient safety strategies and practices used in hospitals, primary care practices, long-term care facilities, and other healthcare settings. They include cross-cutting strategies and topics such as patient and family engagement and teamwork training; safety topics specific to particular clinical interventions, such as medications and surgery; a variety of tools and processes, such as rapid response teams and antimicrobial stewardship; and practices that target prevention of specific harms, such as healthcare-associated infections and pressure injuries. Hyperlinks in the draft report lead to the full text of the evidence review and to later updates regarding the assessment of evidence for the effectiveness for each strategy and practice. The final chapter in the draft report begins with an overview of learning health systems and concepts underlying effective implementation of patient safety strategies. It provides examples of resources Federal agencies make available to encourage healthcare providers to use effective patient safety strategies and describes ''Safer Together: A National Action Plan to Advance Patient Safety,'' recently released by the National Steering Committee for Patient Safety that was convened by the Institute for Healthcare Improvement. The draft report concludes by describing an approach that has a track record of success in encouraging providers to use effective practices to improve patient safety and outlines measures that could accelerate progress in improving patient safety and encouraging the use of effective patient safety improvement strategies.

Where To View the Draft Report and How To Submit Comments

The draft report is posted on the AHRQ PSO Program website at *https://pso.ahrq.gov/legislation/act.* The website contains a link to the email address for submitting comments on the draft report, which is *PSQIA.RC@ahrq.hhs.gov.*

Dated: March 15, 2021.

Marquita Cullom,

Associate Director.

[FR Doc. 2021–05605 Filed 3–17–21; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10198]

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 April 19, 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: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Creditable Coverage Disclosure to CMS On-Line Form and Instructions; *Use:* Section 1860D–13 of the Social Security Act, as established by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) and implementing regulations at 42 CFR 423.56(e), require that entities that offer prescription drug benefits under any of the types of coverage described in 42 CFR 423.56(b) provide a disclosure of creditable coverage to CMS.

There are other disclosure and notification requirements to Part D eligible individuals in § 423.56(c), (d), and (f); this PRA covers the requirement in subsection (e). Entities required to make this disclosure state whether their prescription drug coverage meets the actuarial requirements defined in § 423.56(a). Most entities that currently provide prescription drug benefits to any Medicare Part D eligible individual must disclose whether their prescription

drug benefit is creditable (expected to pay at least as much, on average, as the standard prescription drug plan under Medicare). The disclosure must be provided annually and upon any change that affects whether the coverage is creditable prescription drug coverage. *Form Number:* CMS–10198; *Frequency:* Annually; *Affected Public:* Individuals and Households, State, Local, or Tribal Governments, Federal Government; *Number of Respondents:* 110,217; *Number of Responses:* 110,217; *Total Annual Hours:* 9,185. (For questions regarding this collection, contact Tammie Hill at (410) 786–3317.)

Dated: March 15, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–05604 Filed 3–17–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Generic Clearance for Financial Reports Used for ACF Mandatory Grant Programs (OMB #0970–0510)

AGENCY: Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) proposes to extend data collection under the existing overarching generic clearance for Financial Reports used for ACF Mandatory Grant Programs (OMB #0970–0510). There are no changes to the proposed types of information collection or uses of data.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: ACF programs need detailed financial information from recipients that receive federal funds, such as grantees, to monitor various specialized cost categories within each program, to closely manage program activities, and to have sufficient financial information to enable periodic thorough and detailed audits. Information collected through the Federal Financial Report (Standard Form (SF)-425) provides general information, but does not provide program-specific information that is necessary for ACF program office decision making. This generic clearance allows ACF to collect program-specific financial information from mandatory grant programs.

Program offices use the information collected under this generic information collection to:

- Monitor program operations and prepare technical assistance and guidance, as needed.
- Assist in the computation of the grant awards issued to each program's grantees or annual incentive payments (Child Support Enforcement Program only).
- Determine that child support collections are being properly distributed (Child Support Enforcement Program only).
- Produce annual financial and statistical reports as may be required by Congress and respond to periodic detailed inquiries from Congress.

ACF may require an information collection approved under this generic clearance from funding recipients in order to obtain or retain benefits.

Following standard OMB requirements for a generic information collection, ACF will submit a generic information collection request for each individual data collection activity under this generic clearance. Each request will include the individual form(s) and instructions, and a short overview of the proposed purpose and use of the data collected. OMB should review requests within 10 days of submission.

Respondents: ACF-funded mandatory grant programs.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Mandatory Grant Financial Reports	1000	4	10	40,000

Estimated Total Annual Burden Hours: 40,000.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–05632 Filed 3–17–21; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Head Start Child and Family Experiences Survey (FACES) (OMB #0970–0151)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new wave of the Head Start Family and Child Experiences Survey (FACES).

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing

OPREinfocollection@acf.hhs.gov. Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The purpose of the FACES data collection is to support the 2007 reauthorization of the Head Start program (Pub. L. 110–134), which calls for periodic assessments of Head Start's quality and effectiveness. FACES 2019 focuses on Head Start Regions I through X (which are geographically based); AIAN (American Indian and Alaska Native) FACES 2019 focuses on Region XI (which funds Head Start programs that serve federally recognized American Indian and Alaska Native tribes). Both studies will provide data on a set of key indicators for Head Start programs. Information about the Head Start program recruitment and center selection processes and on the fall 2019 and spring 2020 data collection activities for both FACES and AIAN FACES can be found here: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202005-0970-009.*

The studies are adding a fall 2021 data collection to address how families are faring during the COVID–19 pandemic. Data collection activities will include classroom and child sampling information collection, parent surveys, teacher child reports, and teacher surveys.

Sampling will begin with a freshening of the programs included in FACES fall 2019 and spring 2020 waves for a target of 180 programs that are nationally representative of all Head Start programs in the 2021–2022 program year. FACES fall 2021 data collection will take place in 60 of the 180 programs. AIAN FACES will return to the same 22 programs that participated in 2019 and 2020 data collection.

Sampling of teachers and children starts with sampling activities for 160 Head Start centers (120 for FACES 2019 and 40 for AIAN FACES 2019) in fall 2021. Study team members will request a list of all teachers and home visitors working with Head Start-funded children. Next, for each selected teacher or home visitor, we will request information for each child enrolled.

For the fall 2021 collection, FACES will survey the parents of 2,400 Head Start children in Regions I–X (FACES 2019) and 800 children in Region XI (AIAN FACES 2019) and ask their Head Start teachers to rate children's social and emotional skills. Parents of sampled children (2,400 for FACES and 800 for AIAN FACES) will complete surveys on the web or by telephone about their children and family in the context of the COVID–19 pandemic. Head Start teachers will rate each sampled child (approximately 10 children per classroom) using the Web or paper-and pencil forms. Teachers will also complete a survey, also using the web or paper-and-pencil forms, about their well-being and background. Additional data collection activities, to include the programs and respondents from fall 2021 plus the remaining 120 FACES programs, are planned for spring 2022 and will be included in a future **Federal Register** notice.

Respondents: Parents of Head Start children; Head Start teachers.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Fall 2021 special telephone script and recruitment information collection for program directors, Regions I–X	60	1	1	60	20
Fall 2021 special telephone script and recruitment information collection for program directors, Region XI	22	1	1	22	7
Fall 2021 special telephone script and recruitment information collection for on-site coordinators, Regions I–X	60	1	1	60	20
Fall 2021 special telephone script and recruitment information collection for on-site coordinators, Region XI	22	1	1	22	7
FACES 2019 fall 2021 special teacher sampling form from Head Start staff	120	1	.17	20	7
FACES 2019 fall 2021 special child roster form from Head Start staff	120	1	.33	40	13
FACES 2019 special parent consent form for fall 2021 and spring 2022 data collection	2,400	1	.17	408	136
FACES 2019 fall 2021 special Head Start parent survey	2,400	1	.58	1,392	464
FACES 2019 fall 2021 special Head Start teacher child report	240	10	.17	408	136
FACES 2019 fall 2021 special Head Start teacher survey	240	1	.17	41	14
AIAN FACES 2019 fall 2021 special teacher sampling form from Head Start staff	40	1	.17	7	2
AIAN FACES 2019 fall 2021 special child roster form from Head Start staff	40	1	.33	13	4
AIAN FACES 2019 special parent consent form for fall 2021 and spring 2022 data collection	800	1	.17	136	45
AIAN FACES 2019 fall 2021 special Head Start parent survey	800	1	.58	464	155

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
AIAN FACES 2019 fall 2021 special Head Start teacher child report	80	20	.17	272	91
AIAN FACES 2019 fall 2021 special Head Start teacher survey	80	1	.17	14	5

Estimated Total Annual Burden Hours: 1,126.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 640(a)(2)(D) and section 649 of the Improving Head Start for School Readiness Act of 2007.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–05627 Filed 3–17–21; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Child Support Enforcement Program Quarterly Financial Report (OCSE–396) and Quarterly Collection Report (OCSE–34) (OMB #0970–0181)

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the forms: OCSE–34 ''Child Support Enforcement Program Quarterly Collection Report,'' and OCSE–396 ''Child Support Enforcement Program Quarterly Financial Report.'' These forms are currently approved under the ACF Generic Clearance for Financial Reports (OMB #0970–0510; expiration May 31, 2021), and ACF is proposing to reinstate the previous OMB number under which these forms had been approved (OMB #0970–0181). There are no changes requested to the forms, but the instructions have been updated for clarity and to update the current fee amounts.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Form OCSE–396 and Form OCSE–34 are financial reports submitted following the end of each fiscal quarter by grantees administering the Child Support Enforcement Program in accordance with plans approved under Title IV–D of the Social Security Act. Submission of these forms enables grantees to meet their statutory and regulatory requirement to report program expenditures and child support collections, respectively, from the previous fiscal quarter.

States use Form OCSE–396 to report quarterly expenditures made in the previous quarter and to estimate program expenditures to be made, and incentive payments to be earned, in the upcoming quarter. ACF provides federal funding to states for the Child Support Enforcement Program at the rate of 66 percent for all allowable and legitimate administrative costs of this program. States use Form OCSE–34 to report quarterly collections made under Title IV–D of the Social Security Act.

Tribes use OMB Form SF–425 to report quarterly expenditures made in the previous quarter. Form SF–425 is approved under OMB #4040–0014 and is not included as part of this comment request.

Respondents: 54 states (including Puerto Rico, Guam, the Virgin Islands, and the District of Columbia) complete Forms OCSE–396 and OCSE–34. Approximately 60 tribes complete Form OCSE–34.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Form OCSE–396	54	4	6	1,296
Form OCSE–34	114	4	14	6,384

Estimated Total Annual Burden Hours: 7,680.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Sections 454(10), 455(b), 455(d), and 458(e) of the Social Security Act.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–05630 Filed 3–17–21; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Infant Mortality

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Infant Mortality (ACIM) has scheduled a public meeting. Information about ACIM and the agenda for this meeting can be found on the ACIM website at *https://www.hrsa.gov/advisory-committees/infant-mortality/index.html.*

DATES: April 19, 2021, 12 p.m.–4 p.m. Eastern Time (ET) and April 20, 2021, 12 p.m.–4 p.m. ET.

ADDRESSES: This meeting will be held via webinar. *The webinar link and log-in information will be available at ACIM's website before the meeting: https://www.hrsa.gov/advisory-committees/infant-mortality/index.html.*

FOR FURTHER INFORMATION CONTACT: David S. de la Cruz, Ph.D., MPH, Designated Federal Official, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–0543; or *SACIM@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACIM is authorized by section 222 of the Public Health Service Act (42 U.S.C. 217a), as amended. The Committee is governed by provisions of Public Law 92–463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of Advisory Committees.

The ACIM advises the Secretary of HHS on department activities and programs directed at reducing infant mortality and improving the health status of pregnant women and infants. The ACIM represents a public-private partnership at the highest level to provide guidance and focus attention on the policies and resources required to address the reduction of infant mortality and the improvement of the health status of pregnant women and infants. With a focus on life course, the ACIM addresses disparities in maternal health to improve maternal health outcomes, including preventing and reducing maternal mortality and severe maternal morbidity. The ACIM provides advice on how best to coordinate myriad federal, state, local, and private programs and efforts that are designed to deal with the health and social problems impacting infant mortality and maternal health, including implementation of the Healthy Start program and maternal and infant health objectives from the National Health Promotion and Disease Prevention Objectives (*i.e.,* Healthy People 2030).

The agenda for the April 19–20, 2021, meeting is being finalized and may include the following topics: Immigrant maternal and child health issues; environmental contributions to infant mortality and maternal mortality; the role of doulas, and a discussion on priority topic areas for ACIM to address in a letter to HHS leadership. Agenda items are subject to change as priorities dictate. Refer to the ACIM website for any updated information concerning the meeting. Members of the public will have the opportunity to provide written or oral comments. Requests to submit a written statement or make oral comments to the ACIM should be sent to David S. de la Cruz, using the email address above at least 3 business days prior to the meeting. Public participants may submit written statements in advance of the scheduled meeting by emailing *SACIM@hrsa.gov.* Oral comments will be honored in the order they are requested and may be limited as time allows.

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify David S. de la Cruz at the contact information listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–05598 Filed 3–17–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mucosal Immunology and Microbiome.

Date: April 1, 2021.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *mulkya@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 12, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–05544 Filed 3–17–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4573–DR; Docket ID FEMA–2021–0001]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–4573–DR), dated December 10, 2020, and related determinations.

DATES: The declaration was issued December 10, 2020.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 10, 2020, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Alabama resulting from Hurricane Zeta during the period of October 28 to October 29, 2020, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Allan Jarvis, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alabama have been designated as adversely affected by this major disaster:

Clarke, Dallas, Marengo, Mobile, Perry, Washington, and Wilcox Counties for Individual Assistance.

Autauga, Butler, Cherokee, Chilton, Choctaw, Clarke, Clay, Coosa, Dallas, Elmore, Hale, Marengo, Mobile, Monroe, Perry, Randolph, Talladega, Washington, and Wilcox Counties for Public Assistance.

All areas within the State of Alabama are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05616 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4521–DR; Docket ID FEMA–2021–0001]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4521–DR), dated April 4, 2020, and related determinations.

DATES: This change occurred on January 10, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kathy Fields, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Paul Taylor as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05614 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0016]

Meeting To Implement Pandemic Response Voluntary Agreement Under Section 708 of the Defense Production Act; Correction

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Announcement of meetings; Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a document in the **Federal Register** of March 12, 2021, concerning an announcement of meetings to implement the Voluntary Agreement for the Manufacture and Distribution of

Critical Healthcare Resources Necessary to Respond to a Pandemic. The document contained an incorrect date for one of the meetings.

FOR FURTHER INFORMATION CONTACT: Robert Glenn, Office of Business, Industry, Infrastructure Integration, via email at *OB3I@fema.dhs.gov* or via phone at (202) 212–1666.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of March 12, 2021, in FR Doc. 2021–05232 on page 14145, in the second column, correct the last sentence of the ''Dates'' caption to read: A fourth meeting will take place on Tuesday, March 23, 2021, from 3 to 5 p.m. ET.

Dated: March 15, 2021.

Shabnaum Q. Amjad,

Deputy Associate Chief Counsel, Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency.

[FR Doc. 2021–05603 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4506–DR; Docket ID FEMA–2021–0001]

Pennsylvania; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Pennsylvania (FEMA–4506–DR), dated March 30, 2020, and related determinations.

DATES: This change occurred on January 20, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Janice P. Barlow, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of MaryAnn Tierney as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05613 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4576–DR; Docket ID FEMA–2021–0001]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–4576–DR), dated December 31, 2020, and related determinations.

DATES: The declaration was issued December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 31, 2020, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from Hurricane Zeta during the period of October 28 to October 29, 2020, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Mississippi have been designated as adversely affected by this major disaster:

George, Greene, Hancock, Harrison, Jackson, and Stone Counties for Individual Assistance.

George, Greene, Hancock, Harrison, Jackson, Perry, Stone, and Wayne Counties for Public Assistance.

All areas within the State of Mississippi are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05618 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4548–DR; Docket ID FEMA–2020–0001]

Utah; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Utah (FEMA–4548–DR), dated July 9, 2020, and related determinations.

DATES: This amendment was issued December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Utah is hereby amended to include Public Assistance for the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 9, 2020.

Salt Lake County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05615 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4504–DR; Docket ID FEMA–2021–0001]

Kansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4504–DR), dated March 29, 2020, and related determinations.

DATES: This change occurred on January 10, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kathy Fields, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Paul Taylor as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton, Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05609 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4574–DR; Docket ID FEMA–2021–0001]

New Jersey; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Jersey (FEMA–4574–DR), dated December 11, 2020, and related determinations.

DATE: The declaration was issued December 11, 2020.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 11, 2020, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New Jersey resulting from Tropical Storm Isaias on August 4, 2020, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved

assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Patrick Cornbill, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New Jersey have been designated as adversely affected by this major disaster:

Atlantic, Bergen, Burlington, Cape May, Cumberland, Essex, Gloucester, Monmouth, Morris, and Salem Counties for Public Assistance.

All areas within the State of New Jersey are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton Jr.,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–05617 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0095]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Notice of Appeal or Motion

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) 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 purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 19, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0027. All submissions received must include the OMB Control Number 1615–0095 in the body of the letter, the agency name and Docket ID USCIS–2008–0027.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on December 23, 2020, at 85 FR 83989, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0027 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies 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 agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used

(3) Enhance the quality, utility, and clarity of the information to be collected; 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Appeal or Motion.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–290B; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–290B standardizes requests for appeals and motions and ensures that the basic information required to adjudicate appeals and motions is provided by applicants and petitioners, or their attorneys or representatives. USCIS uses the data collected on Form I–290B to determine whether an applicant or petitioner is eligible to file an appeal or motion, whether the requirements of an appeal or motion have been met, and whether the applicant or petitioner is eligible for the requested immigration benefit. Form I–290B can also be filed with ICE by schools appealing decisions on Form I–17 filings for certification to ICE's Student and Exchange Visitor Program (SEVP).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–290B is 28,000 and the estimated hour burden per response is 1.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 42,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $8,652,000.

Dated: March 12, 2021.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–05543 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0072]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Suspension of Deportation or Special Rule Cancellation of Removal

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) 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 purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 19, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0077. All submissions received must include the OMB Control Number 1615–0072 in the body of the letter, the agency name and Docket ID USCIS–2008–0077.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on December 23, 2020, at 85 FR 83991, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0077 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies 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 agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used

(3) Enhance the quality, utility, and clarity of the information to be collected; 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Sec. 203 of Pub. L. 105–100).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–881; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The data collected on the Form I–881 is used by Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) asylum officers, EOIR immigration judges, and Board of Immigration Appeals board members. The Form I–881 is used to determine eligibility for suspension of deportation or special rule cancellation of removal under Section 203 of NACARA. The form serves the purpose of standardizing requests for the benefits and ensuring that basic information required for assessing eligibility is provided by the applicants.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–881 is 520 and the estimated hour burden per response is 12 hours; the estimated total number of respondents for the information collection Biometrics is 858 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 7,244 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $258,505.

Dated: March 12, 2021.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–05546 Filed 3–17–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD06000.L51010000.ER0000. LVRWB19B6970.19X (MO #4500143795)]

Notice of Intent To Amend the California Desert Conservation Area Plan and Prepare an Associated Environmental Assessment for the Oberon Solar Project, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Palm Springs-South Coast Field Office is proposing to amend the 1980 California Desert Conservation Area (CDCA) Plan, as amended, and prepare the associated environmental analysis for the Oberon Solar Project (Project). By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments on issues and identify planning criteria.

DATES: This notice initiates the public scoping process for the CDCA Plan amendment with associated environmental analysis. Comments on issues may be submitted in writing until April 19, 2021. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers, and the BLM ePlanning website at: *https://go.usa.gov/xfdH5.*

To be included in the analysis, all comments must be received prior to the close of the 30-day scoping period. Additional opportunities for public participation will be available upon publication of the draft plan amendment environmental analysis document.

ADDRESSES: You may submit comments on issues and planning criteria by any of the following methods:

- *Email: BLM_CA_PS_OberonSolar@blm.gov.*
- *Mail:* ATTN: Brandon Anderson, BLM, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553.
- *Online via ePlanning: https://go.usa.gov/xfdH5.*

Documents pertinent to this project may be examined during regular business hours upon request using email: *BLM_CA_PS_OberonSolar@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Brandon Anderson, Assistant District Manager, telephone (951) 697–5215; address Bureau of Land Management, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553; email *BLM_CA_PS_OberonSolar@blm.gov.* Documents relevant to this planning process can be found at *https://go.usa.gov/xfdH5.* Contact the Bureau of Land Management to arrange for other means of viewing documents. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, IP Land Holding, LLC, a wholly owned subsidiary of Intersect Power, has requested a right-of-way (ROW) authorization to construct, operate, maintain, and decommission a 500-megawatt (MW) alternating current solar photovoltaic energy-generating facility along with the necessary ancillary facilities on public lands managed by the BLM. The project is proposed within a 4,700-acre area of public lands managed by the BLM just north and east of Desert Center, California. The Project is within a development focus area, as identified through the Desert Renewable Energy Conservation Plan (DRECP) amendment to the CDCA Plan.

The DRECP contains Conservation and Management Actions (CMAs) that are intended to avoid and/or minimize impacts to numerous resources within the plan area. However, application of the relevant CMAs to the proposed project would preclude the ability to construct and operate the 500-MW project in an area identified as suitable for renewable energy development. As such, the proposed Project would require a plan amendment to allow solar development within the application area.

This notice informs the public that the BLM intends to prepare a draft CDCA Plan amendment and associated environmental analysis document for the Oberon Solar Project. It also announces the beginning of the scoping process for this effort and seeks public input on environmental issues and potential planning criteria relevant to the project and any potential plan amendments. The public-scoping process may guide the planning process and determine relevant issues that will influence the scope of the environmental analysis, including alternatives and mitigation measures.

Preliminary issues for the Project have been identified by the BLM, other Federal agencies, the State, local agencies, and other stakeholders. Issues include air quality and greenhouse gas emissions, special status wildlife and vegetation species, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, recreation, traffic, visual resources, and cumulative effects. Written comments may be submitted via one of the methods listed in the **ADDRESSES** section above. Input must be received by the close of the 30-day public-scoping period.

If a plan amendment is necessary, the BLM will integrate the land use planning process with the NEPA process for the project. A preliminary list of the potential planning criteria that will be used to help guide and define the scope of the plan amendment includes:

1. Any plan amendments will be completed in compliance with FLPMA, NEPA, and all other relevant Federal laws, executive orders, and BLM polices.

2. Existing valid plan decisions will not change, and any new plan decisions will not conflict with existing plan decisions.

3. Any plan amendments will recognize valid existing rights.

With respect to the potential land use plan amendment, the BLM will evaluate identified issues to be addressed in the plan amendment, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment.

2. Issues to be resolved through policy or administrative action.

3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the environmental analysis document as to why an issue was placed in category two or three. The public is also encouraged to help identify any

management questions and concerns that should be addressed in the environmental analysis and potential land-use plan amendments. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). Information about historic and cultural resources within the area that may be potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources. The BLM will consult with American Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on American Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes, and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Danielle Chi,

BLM California Deputy State Director, Natural Resources.

[FR Doc. 2021–05590 Filed 3–17–21; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1229]

Certain Furniture Products Finished With Decorative Wood Grain Paper and Components Thereof; Commission Determination To Affirm an Initial Determination Terminating the Investigation as to Respondent Walker Edison Co., LLC Based on a Consent Order; Issuance of a Consent Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm an initial determination (''ID'') (Order No. 8) issued by the presiding administrative law judge (''ALJ'') terminating the investigation as to respondent Walker Edison Co., LLC (''Walker Edison'') based on a consent order and to issue a consent order. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 9, 2020, based on a complaint, as supplemented, filed by Toppan Interamerica, Inc. of McDonough, Georgia (''Complainant''). 85 FR 71355 (Nov. 9, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain furniture products finished with decorative wood grain paper and components thereof by reason of infringement of U.S. Copyright Registration No. VA 2–142–287. The complaint further alleges that an industry in the United States exists. *Id.* at 713356. The Commission's notice of investigation named Walker Edison as the sole respondent. *Id.*

On January 21, 2021, Complainant and Walker Edison jointly moved to terminate the investigation as to Walker Edison based on the entry of a consent order. The joint motion included a consent order stipulation executed by Walker Edison and a proposed consent order. On January 27, 2021, the presiding ALJ issued the subject ID granting the motion. No petitions for review of the ID were received.

On February 19, 2021, the Commission determined to review the ID in light of apparent deficiencies in Walker Edison's consent order stipulation and in the proposed consent order submitted by the parties. In the notice of review, the Commission sought responses from the parties regarding whether either would object to correction of the deficiencies in the proposed consent order and whether Walker Edison would stipulate to the addition of a term to the proposed consent order. On February 22, 2021, both parties filed responses indicating that they did not object to correction of the deficiencies in the proposed consent order, and Walker Edison stipulated to the inclusion of the additional term in any consent order the Commission may issue.

In light of the parties' responses, the Commission has determined to affirm the ID and issue a consent order. Walker Edison is hereby terminated from the investigation, which is also terminated in its entirety.

The Commission vote for this determination took place on March 15, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 15, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05641 Filed 3–17–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1255]

Certain Apparatus and Methods of Opening Containers; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 28, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Draft Top, LLC of Long Branch, New Jersey. Supplements to the complaint were filed on February 12 and 19 and March 1 and 2, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain apparatus and methods of opening containers by reason of infringement of a claim of U.S. Patent No. 10,519,016 (''the '016 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 15, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of claim 12 of the '016 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''apparatus(es) and products which are used for opening canned beverage containers by removing the top of the can;''

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Draft Top, LLC, 179 Riddle Avenue, Long Branch, NJ 07740.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Mintiml, Longhe Industrial Concentration Zone, Panshui Town, Yangzhou, Jiangsu 225800, China

KKS Enterprises Co., Ltd., Room 701 Xigang Xinje 7C, No. 206 Zhenhua Road, Sandun Town, Hangzhou 310030, China

Kingskong Enterprises Co., Ltd., 126 Zhaohui Rd, Hangzhou 310050, China

Du Zuojun, Level 1, Shenzhen International Airport Cargo, Shenzhen, Guangdong 510810, China

WN Shipping USA, Inc., 475 Doughty Blvd., Inwood, NY 11096

Shuje Wei, 2855 S Reservoir Drive, No. 130, Pomona, CA 91766

Express Cargo Forwarded, Ltd., 10722 S La Cienega Blvd., Los Angeles, CA 90304

Tofba International, Inc., 12833 Chadron Avenue, Hawthorne, CA 90250

Hou Wenzheng, 1200 Worldwide Blvd., Hebron, KY 41048

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 15, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05639 Filed 3–17–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1193]

Certain Capacitive Touch-Controlled Mobile Devices, Computers, and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation as to Respondents Amazon, Apple, LG, Microsoft, Motorola, Samsung, and Sony Based on Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 22) of the presiding administrative law judge (''ALJ'') terminating the investigation with respect to the remaining respondents (Amazon, Apple, LG, Microsoft, Motorola, Samsung, and Sony) based on settlements. This investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On March 20, 2020, the Commission instituted this investigation based on a complaint filed by Neodron Ltd. of Dublin, Ireland (''Neodron''). 85 FR 16130 (Mar. 20, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain capacitive touch-controlled mobile devices, computers, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,821,425; 7,903,092; 8,749,251; and 9,411,472. *Id.* The Commission's notice of investigation named as respondents Amazon.com, Inc. of Seattle, Washington (''Amazon''); Apple Inc. of Cupertino, California (''Apple''); LG Electronics Inc. of Seoul, Republic of Korea; LG Electronics USA, Inc. of Englewood Cliffs, New Jersey (collectively, ''LG''); Microsoft Corporation of Redmond, Washington (''Microsoft''); Motorola Mobility LLC of Chicago, Illinois (''Motorola''); Samsung Electronics Co., Ltd. of Suwon, Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, ''Samsung''); Sony Corporation of Tokyo, Japan; Sony Mobile Communications Inc. of Tokyo, Japan (collectively, ''Sony''); and ASUSTeK Computer Inc. of Taiwan; ASUS Computer International of Fremont, California (collectively, ''ASUS''). *Id.* at 16131. The Office of Unfair Import Investigations (''OUII'') is participating in the investigation. *Id.*

On November 24, 2020, this investigation was terminated as to ASUS. Order No. 19 (Nov. 12, 2020), *unreviewed,* Notice (Nov. 24, 2020).

On January 27, 2021, Neodron and the remaining respondents (Amazon, Apple, LG, Microsoft, Motorola, Samsung, and Sony) filed a joint motion to terminate this investigation as to the remaining respondents based on settlements between Neodron and each remaining respondent. On February 8, 2021, OUII filed a statement in support of the motion.

On February 19, 2021, the ALJ issued Order No. 22, the subject ID, which granted Neodron's motion. The ID found that the motion complies with 19 CFR 210.21(b) and that no extraordinary circumstances prevent denying the motion. The ID also finds that there is no evidence indicating that terminating this investigation based on the various settlement agreements would be contrary to the public interest. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on March 15, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 15, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05638 Filed 3–17–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–638 and 731–TA–1473 (Final)]

Corrosion Inhibitors From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of corrosion inhibitors from China, provided for in subheading 2933.99.82 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the government of China.

Background

The Commission instituted these investigations effective February 5, 2020, following receipt of petitions filed with the Commission and Commerce by Wincom Incorporated, Blue Ash, Ohio. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determinations by Commerce that imports of corrosion inhibitors from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 6, 2020 (85 FR 63139). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on January 21, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on March 12, 2021. The views of the Commission are contained in USITC Publication number 5169 (March 2021), entitled *Corrosion Inhibitors from China: Investigation Nos. 701–TA–638 and 731–TA–1473 (Final).*

By order of the Commission.

Issued: March 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05568 Filed 3–17–21; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; New Information Collection; Prohibited Persons Questionnaire—ATF Form 8620.57

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until April 19, 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 agency, including whether the information will have practical utility;

— Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Prohibited Persons Questionnaire.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 8620.57.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The Prohibited Persons Questionnaire—ATF Form 8620.57 will be used to determine if a candidate for Federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), is prohibited from possessing or receiving firearms or explosives as described in 18 U.S.C. 922(g) or (n), and/or 18 U.S.C. 842(i).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,000 respondents will use the form annually, and it will take each respondent approximately 5 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 167 hours, which is equal to 2,000 (# of respondents) * 0.0833333 (5 minutes).

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: March 15, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–05593 Filed 3–17–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–809]

Bulk Manufacturer of Controlled Substances Application: Noramco Coventry, LLC.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Noramco Coventry, LLC. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 17, 2021. Such persons may also file a written request for a hearing on the application on or before May 17, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on January 13, 2021, Noramco Coventry, LLC., 498 Washington Street, Coventry, Rhode Island 02816, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Dihydromorphine	9145	I
Methylphenidate	1724	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Levorphanol	9220	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to bulk manufacture the listed controlled substances for use as intermediates and converted to other controlled substances or for sale to its customers. In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetics. No other

activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–05582 Filed 3–17–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 12, 2021, the Department of Justice and the State of California on behalf of the California Department of Toxic Substances Control (''DTSC'') lodged a proposed Consent Decree with the United States District Court for the Central District of California pertaining to environmental contamination at the Historic Stormwater Pathway South Operable Unit (''Southern Pathway OU,'' also known as ''OU6'') of the Montrose Chemical Corp. Superfund Site in Los Angeles County, California. This proposed Consent Decree was lodged in the case *United States of America and State of California* vs. *Montrose Chemical Corp. of California et al.,* Civil Action No. 2:90–cv–03122 DOC (C.D. Cal.); it resolves certain of the claims in that case.

The proposed Consent Decree, titled in full ''Partial Consent Decree (Montrose Superfund Site—Historic Stormwater Pathway South Operable Unit)'', resolves certain claims or potential claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, 9607, as well as certain potential state law claims, in connection with environmental contamination at the Southern Pathway OU. The proposed Consent Decree does not resolve the settling defendants' overall liability for environmental contamination at the Southern Pathway OU, but resolves their liability for the OU6 Remedial Investigation and Feasibility Study and certain past and future response costs described below. The settling defendants are TFCF America, Inc.; Bayer CropScience Inc.; Montrose Chemical Corporation of California; and Stauffer Management Company LLC. The Consent Decree requires the settling defendants to perform the Remedial Investigation and Feasibility Study of contamination at the Southern Pathway OU, and to make a payment of $3,750,000.00 toward the United States' unreimbursed Southern Pathway OU past costs and certain sitewide ''OU–00'' costs, and a payment of $250,000.00 towards DTSC's Southern Pathway OU past costs. The proposed Consent Decree also requires the settling defendants to pay the United States' and DTSC's future response costs for overseeing the work the settling defendants will be performing pursuant to the Consent Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and State of California* vs. *Montrose Chemical Corp. of California et al.,* D.J. Ref. No. 90–11–3–511. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.usdoj.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $34.00 (25 cents per page reproduction cost) for the Consent Decree, payable to the United States Treasury. For a paper copy without the appendices and signature pages, the cost is $21.50.

Lori Jonas,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–05629 Filed 3–17–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Davis-Bacon Certified Payroll

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Wage and Hour Division (WHD)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Davis-Bacon and related Acts (DBRA) require the application of Davis-Bacon labor standards to federal and federally assisted construction. The Copeland Act (40 U.S.C. 3145) requires the Secretary of Labor to prescribe reasonable regulations for contractors and subcontractors engaged in construction work subject to Davis-Bacon labor standards. While the federal contracting or assistance-administering agencies

have a primary responsibility for enforcement of Davis-Bacon labor standards, Reorganization Plan Number 14 of 1950 assigns to the Secretary of Labor responsibility for developing government-wide policies, interpretations and procedures to be observed by the contracting and assisting agencies, in order to assure coordination of administration and consistency of DBRA enforcement. The Copeland Act provision cited above specifically requires the regulations to ''include a provision that each contractor and subcontractor each week must furnish a statement on the wages paid each employee during the prior week.'' This requirement is implemented by 29 CFR 3.3 and 3.4 and the standard Davis-Bacon contract clauses set forth at 29 CFR 5.5. Regulations 29 CFR 5.5(a)(3)(ii)(A) requires contractors to submit weekly a copy of all payrolls to the federal agency contracting for or financing the construction project. If the agency is not a party to the contract, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the contracting agency. This same section requires that the payrolls submitted shall set out accurately and completely the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals, and instead, the payrolls shall only need to include an individually identifying number for each employee (*e.g.,* the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH–347 is available for this purpose from the Wage and Hour Division website at *https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf.* The regulations at 29 CFR 3.3(b) require each contractor to furnish weekly a signed ''Statement of Compliance'' accompanying the payroll indicating the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon Act prevailing wage rate for the work performed. The weekly submission of a properly executed certification, with the prescribed language set forth on page 2 of Optional Form WH–347, satisfies the requirement for submission of the required ''Statement of Compliance''. Id. at §§ 3.3(b), 3.4(b), and 5.5(a)(3)(ii)(B). Regulations 29 CFR 3.4(b) and 5.5(a)(3)(i) require contractors to maintain these records for three years after completion of the work.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 25, 2020 (85 FR 52365).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Davis-Bacon Certified Payroll.

OMB Control Number: 1235–0008.

Affected Public: Businesses or other for-profits institutions.

Total Estimated Number of Respondents: 86,898.

Total Estimated Number of Responses: 7,994,616.

Total Estimated Annual Time Burden: 7,461,642 hours.

Total Estimated Annual Other Costs Burden: $1,071,368.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: March 11, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–05586 Filed 3–17–21; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Minority Depository Institution Preservation Program

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before May 17, 2021 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Mackie Malaka, National Credit Union Administration, 1775 Duke Street, Suite 6060, Alexandria, Virginia 22314; Fax No. 703–519–8579; or email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to Mackie Malaka at the address above or telephone 703–548–2704.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0195.

Title: Minority Depository Institution Preservation Program.

Type of Review: Extension of a currently approved collection.

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) (Pub. L. 111–203, 124 Stat. 1376) amended Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) § 308 to require the NCUA, Office of the Comptroller of Currency, and the Federal Reserve Board to establish a program to comply with its goals to preserve and encourage Minority Depository Institutions (MDIs). The NCUA Board issued Interpretive Ruling and Policy Statement (IRPS) 13–1 establishing a MDI preservation program to comply with FIRREA § 308 goals. The IRPS identifies the procedure for a federally insured credit union to determine and document its ability to designate itself as a MDI, resulting in the ability to participate in the Program.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 91.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 91.

Estimated Burden Hours per Response: 0.42.

Estimated Total Annual Burden Hours: 38.

Reason for Change: Changes are attributed to current updated data since the last previous submission.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and

Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on March 12, 2021.

Dated: March 12, 2021.

Mackie I. Malaka,

NCUA PRA Clearance Officer.

[FR Doc. 2021–05552 Filed 3–17–21; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: Evaluation of the Reopening Archives, Libraries, and Museums (REALM) Project

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Submission for OMB Review, comment request.

SUMMARY: The Institute of Museum and Library Services announces that the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. 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. This Notice proposes the clearance of the Evaluation of the Reopening Archives, Libraries, and Museums (REALM) Project research study, comprising archive and museums focus groups and libraries/archives/museums audience surveys. A copy of the proposed information collection request 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 **FOR FURTHER INFORMATION CONTACT** section below on or before April 15, 2021.

OMB is particularly interested in comments that help the agency to:

- 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).

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 particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Matthew Birnbaum, Ph.D., Supervisory Social Scientist, Office of Impact Assessment and Learning, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Birnbaum can be reached by telephone at 202–653–4760, or by email at *mbirnbaum@imls.gov.* Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

Current Actions: This Notice proposes the clearance of Evaluation of the Reopening Archives, Libraries, and Museums (REALM) Project research study. The 60-day Notice was published in the **Federal Register** on October 16, 2020 (85 FR 65878). The agency received one comment in response to this Notice.

The REALM Project is convening individuals from Institute of Museum and Library Services (IMLS), OCLC Inc. (OCLC), Battelle, and several key actors in the libraries, archives, and museums (LAM) fields to bring their expertise and on-the-ground experience together to develop science-based information about how materials can be handled to mitigate COVID–19 exposure to staff and visitors of LAM institutions as COVID–19 restrictions begin lifting across the country. This project extends the guidance available from the Centers for Disease Control and Prevention (CDC) by providing information that is specifically relevant to LAM institutions. Given that LAM institutions work with physical materials that are often circulated among the public, LAM institutions have unique concerns about how they can optimize their operations while minimizing the potential for spreading the Coronavirus. This evaluation will be focused on understanding the extent to which the professionals from LAM institutions have found that the REALM Project's research test results and toolkit resources have met their needs. Data will be collected through a survey of organizations that have used the test results and toolkit developed by the REALM project and focus groups representing members of the museum and archive community who have not been engaged with the project. The evaluation is intended to provide information to OCLC and IMLS around the usefulness of the scientific information shared to the LAM community as well as the effectiveness of its distribution. The evaluation has

not been designed to be a retrospective consideration of the REALM Project, but rather to inform decision-makers at OCLC and IMLS, in near real-time, as to what is working and what is not enabling them to modify the efforts of the project's Working Groups and Steering Committee as well as to adjust methods of distribution of information to the larger LAM community.

Agency: Institute of Museum and Library Services.

Title: Evaluation of the Reopening Archives, Libraries, and Museums (REALM) Project.

OMB Control Number: 3137–NEW.

Agency Number: 3137.

Affected Public: Staff from library, archive, and museum sectors.

Total Number of Respondents: 8,036.

Frequency of Response: Once.

Average Hours per Response: 0.5.

Total Burden Hours: 4,036.

Total Annualized Capital/Startup Costs: n/a.

Total Annual Cost Burden: $121,080.

Total Annual Federal Costs: $92,056.

Dated: March 12, 2021.

Amanda M.F. Bakale,

Assistant General Counsel.

[FR Doc. 2021–05567 Filed 3–17–21; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Committee on Strategy (CS), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Wednesday, March 24, 2021.

PLACE: This meeting will be held by teleconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair's opening remarks, Committee briefing on the results of OMB's passback for the FY 2022 budget.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–05789 Filed 3–16–21; 4:15 pm]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Verification of Who Is Getting Payments, RI 38–107 and RI 38–147

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection (ICR) with minor edits, Verification of Who is Getting Payments, RI 38–107 and RI 38–147. This ICR has been revised in the following manner: (1) The display of the OMB control number and (2) an updated edition date.

DATES: Comments are encouraged and will be accepted until May 17, 2021.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

—*Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0197). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.

RI 38–107 is designed for use by the Retirement Inspection Branch when OPM, for any reason, must verify that the entitled person is indeed receiving the monies payable. RI 38–147 collects the same information and is used by other groups within Retirement Operations. Failure to collect this information would cause OPM to pay monies absent the assurance of a correct payee.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Verification of Who is Getting Payments

OMB Number: 3206–0197.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 25,400.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 4,234 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–05625 Filed 3–17–21; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

TIME AND DATE: March 24, 2021, at 8:30 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Strategic Issues.
2. Financial and Operational Matters.
3. Compensation and Personnel Matters.
4. Administrative Items.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2021–05719 Filed 3–16–21; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91313; File No. SR–MIAX–2021–03]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 200, Trading Permits

March 12, 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 March 1, 2021, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend to amend Exchange Rule 200(d) requiring membership in another national securities exchange or association.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, 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 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 purpose of the proposed rule change is to amend Exchange Rule 200(d) requiring membership in another national securities exchange or association. In sum, Exchange Rule 200(d) currently requires that Trading Permit[3] holders be a member in another registered options exchange, other than the Exchange's affiliates, MIAX Emerald, LLC (''Emerald'') or MIAX PEARL, LLC (''PEARL''), or the Financial Industry Regulatory Authority, Inc. (''FINRA'') where such other registered options exchange has not been designated by the Commission, pursuant to Rule 17d–1 under the Exchange Act, to examine Members for compliance with financial responsibility rules. Exchange Rule 200(d), therefore, does not allow a Trading Permit Holder that is not a FINRA member[4] to satisfy this requirement by being a member of a registered equities exchange. The Exchange believes that requiring membership in another registered options exchange is unnecessarily too restrictive and is also not in line with similar membership requirements at other exchanges.[5] Therefore, to enable more broker-dealers to become Trading Permit holders, the Exchange proposes to amend Exchange Rule 200(d) to require membership in a registered national securities exchange, rather than only registered options exchanges.[6] Exchange Rule 200(d) will continue to require Trading Permit holders to be FINRA members where the registered national securities exchange that they maintain membership is not designated by the Commission to examine members for compliance with financial responsibility rules pursuant to Rule 17d–1 of the Exchange Act.[7]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

The Exchange believes that the proposed rule change would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest by expanding the number of registered brokers-dealers that would be eligible to become Trading Permit holders and trade on the Exchange, while maintaining high regulatory standards and a comprehensive regulatory regime with respect to such firms. Exchange Rule 200(d) was too restrictive by limiting membership in another registered national securities exchange to only registered options

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Trading Permit'' means a permit issued by the Exchange that confers the ability to transact on the Exchange. *See* Exchange Rule 100.

[4] A Trading Permit Holder that does not transact business with the public is not required to become a FINRA member. Section 15(b)(8) of the Act that requires members that transact business with the public to be a member of FINRA. 15 U.S.C. 78*o*(b)(8).

[5] *See* Cboe EDGX Exchange, Inc. (''EDGX'') Rule 2.5(a)(4), Cboe EDGA Exchange, Inc. (''EDGA'') Rule 2.5(a)(4), Cboe BZX Exchange, Inc. (''BZX'') Rule 2.5(a)(4), Cboe BYX Exchange, Inc. (''BYX'', collectively with EDGX, EDGA, and BZX, the ''Cboe Equity Exchanges'') Rule 2.5(a)(4), MEMX LLC (''MEMX'') Rule 2.5(a)(4), Investors Exchange, Inc. (''IEX'') Rule 2.130(a), Long Term Stock Exchange, Inc. (''LTSE'') Rule 2.130 *and* BOX Exchange LLC (''BOX'') Rule 2020(a).

[6] The Exchange also propose to include the phrase ''or FINRA'' at the end of Exchange Rule 200(d)'s title and to not capitalize the word ''holder'' in the first sentence of the rule.

[7] Rule 17d–1 of the Act authorizes the Commission to name a single Self-Regulatory Organization (''SRO'') as the Designated Examining Authority (''DEA'') to examine members of more than one SRO (''common member'') for compliance with the financial responsibility requirements imposed by the Exchange Act, or by Commission or SRO rules. 17 CFR 240.17d–1. The Exchange does not currently act as the DEA for any Trading Permit holder.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

exchanges and, therefore, unnecessarily precluded broker-dealers who were members of a registered equities exchange from becoming Trading Permit holders. As mentioned above, Exchange Rule 200(d) will continue to require Trading Permit holders to be FINRA members where the registered national securities exchange that they maintain membership is not designated by the Commission to examine members for compliance with financial responsibility rules pursuant to Rule 17d–1 of the Exchange Act. This will ensure that those Trading Permit holders that are not FINRA members maintain membership at a registered options or equities exchange that may be designated as their DEA by the Commission. The proposed rule change would also contribute to perfecting the mechanism of a free and open market and a national market system, which outcomes are also consistent with the protection of investors and the public interest, by aligning the Exchange's membership requirements more closely with that of its affiliate, PEARL,[10] and those of other national securities exchanges.[11]

The proposed rule change would also not unfairly discriminate between or among market participants because both current and prospective Trading Permit holders would be subject to the rule. All Trading Permit holders would be regulated in the same manner by the Exchange should they be a member of another registered national options or equities exchange.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance competition by expanding the number of registered brokers-dealers that would be eligible to become Trading Permit holders and trade on the Exchange by aligning Exchange Rule 200(d) with that of other national securities exchanges.[12]

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.

[10] *See* Securities Exchange Act Release No. 91146 (February 17, 2021), 86 FR 11022 (February 23, 2021) (SR–PEARL–2021–03).

[11] *See supra* note 5.

[12] *Id.*

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[13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[16] permits the Commission to 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 proposed rule change may become operative immediately. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately expand the number of registered broker-dealers that would be eligible to become Trading Permit holders on the Exchange and align its membership requirements more closely with those of other national securities exchanges.[17] For this reason, and because the proposal does not raise any novel regulatory issues, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

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 change should be approved or disapproved.

[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 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. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See supra* note 5.

[18] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–MIAX–2021–03 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–MIAX–2021–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All

submissions should refer to File Number SR–MIAX–2021–03 and should be submitted on or before April 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05557 Filed 3–17–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91318; File No. SR–NASDAQ–2021–002]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Modify and Expand the Package of Complimentary Services Provided to Eligible Companies and To Update the Values of Certain Complimentary Services

March 12, 2021.

I. Introduction

On January 8, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' 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 modify and expand the package of complimentary services provided to eligible companies and to update the values of certain complimentary services. The proposed rule change was published in the **Federal Register** on January 26, 2021.[3] On February 17, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposal, as Modified by Amendment No. 1

Nasdaq proposes to modify IM–5900–7 regarding the package of complimentary services that it offers to eligible listed companies to: (i) Eliminate the tier that provides a higher level of services to Eligible New Listings[5] that have a market capitalization of $5 billion or more;[6] (ii) extend the complimentary services period for all Eligible New Listings and Eligible Switches[7] that have a market capitalization of less than $750 million from two to three years; (iii) include a Media Monitoring/Social Listening service, Virtual Event service, and certain Environmental, Social and Governance (''ESG'') services in the complimentary service package for Eligible New Listings and Eligible Switches; and (iv) update the values of certain complimentary services and the approximate retail values of the complimentary service package offered to each tier of Eligible New Listings and Eligible Switches.

Currently, Nasdaq offers complimentary services under IM–5900–7 to a company listing on the Nasdaq Global or Global Select Market (i) in connection with an initial public offering in the United States, including American Depository Receipts (other than a company listed under IM–5101–2); (ii) upon emerging from bankruptcy; (iii) in connection with a spin-off or carve-out from another company; (iv) in connection with a direct listing as defined in IM–5315–1 (including the listing of American Depository Receipts); or (v) in conjunction with a business combination that satisfies the conditions in Nasdaq IM–5101–2(b) (''Eligible New Listing'').[8] Under IM–5900–7, Nasdaq also offers complimentary services to a company (i) switching its listing from the New York Stock Exchange (''NYSE'') to the Global or Global Select Markets (other than a company listed under IM–5101–2), or (ii) that has switched its listing from the NYSE and listed on Nasdaq under IM–5101–2 after the company publicly announced that it entered into a binding agreement for a business combination and that subsequently satisfies the conditions in IM–5101–2(b) and lists on the Global or Global Select Market in conjunction with that business combination (''Eligible Switch'').[9]

The complimentary services that Nasdaq offers currently include a whistleblower hotline, investor relations website, disclosure services, audio webcasting, market analytic tools, and market advisory tools, which may include stock surveillance, global targeting, or an annual perception study.[10] For Eligible New Listings and Eligible Switches, Nasdaq offers different tiers of complimentary services packages based upon whether the company has a market capitalization of (i) less than $750 million; (ii) $750 million or more but less than $5 billion; or (iii) $5 billion or more.[11] Nasdaq states that it believes that the complimentary service program offers valuable services to newly listing companies, is designed to help ease the transition of becoming a public company or switching markets, and makes listing on Nasdaq more attractive to these companies.[12] Nasdaq states that it faces competition in the market for listing services and that it believes it is reasonable to offer complimentary services to attract and retain listings as part of this competition.[13]

Pursuant to the proposed rule change, Nasdaq proposes to eliminate the third tier of complimentary services offered to Eligible New Listings, such that all Eligible New Listings with market capitalization of $750 million or more would be offered the same complimentary services package.[14]

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90955 (January 19, 2021), 86 FR 7155 (''Notice''). No comments were received on the proposal, other than Nasdaq's amendment to the proposed rule change. *See infra* note 4.

[4] Amendment No. 1 to the proposed rule change revised the proposal to (i) extend the complimentary services period for Eligible Switches (as defined below) that have a market capitalization of less than $750 million from two to three years, thereby eliminating a distinction in the length of the complimentary services period between Eligible New Listings (as defined below) and Eligible Switches with a market capitalization of under $750 million; and (ii) make minor technical changes. Amendment No. 1 to the proposed rule change is available on the Commission's website at *https://www.sec.gov/comments/sr-nasdaq-2021-002/srnasdaq2021002-8382244-229339.pdf* (''Amendment No. 1'').

[5] *See infra* note 8 and accompanying text.

[6] Under the proposal, Eligible New Listings with a market capitalization of $5 billion or more will receive the same complimentary services as Eligible New Listings with a market capitalization of $750 million or more.

[7] *See infra* note 9 and accompanying text.

[8] *See* IM–5900–7(a)(1).

[9] *See* IM–5900–7(a)(2). Nasdaq states that companies switching from a national securities exchange other than the NYSE are not eligible to receive complimentary services under IM–5900–7. *See* Notice, *supra* note 3, at 7155 n.3.

[10] *See* IM–5900–7(b). According to Nasdaq, in addition, all companies listed on Nasdaq receive other standard services from Nasdaq, including Nasdaq Online and the Market Intelligence Desk. *See* Notice, *supra* note 3, at 7155 n.4.

[11] *See* IM–5900–7(c) and (d) for additional detail about the types of complimentary services and length of the complimentary services period offered to each tier of Eligible New Listings and Eligible Switches, respectively. Nasdaq states that it believes that it is appropriate to offer different services based on a company's market capitalization given that larger companies generally will need more and different governance, communication, and intelligence services. *See* Notice, *supra* note 3, at 7157.

[12] *See* Notice, *supra* note 3, at 7155.

[13] *See id.* at 7157. Nasdaq further states that all similarly situated companies are eligible for the same package of services. *See id.*

[14] *See* proposed IM–5900–7(c)(2).

Nasdaq states that this change would simplify the structure of the complimentary services package by removing one level of discrimination among Eligible New Listings.[15] Nasdaq states that it does not propose to change the tier structure for Eligible Switches because a typical Eligible Switch has been an operating entity for a longer period of time than a typical Eligible New Listing.[16] As such, according to Nasdaq, Eligible Switches tend to have larger market capitalization, larger companies generally will need more services, and accordingly, the third tier for the Eligible Switches, which provides more services than the second tier, remains appropriate.[17] Further, Nasdaq proposes to extend the complimentary services period for all tiers of Eligible New Listings and for Eligible Switches that have a market capitalization less than $750 million from two to three years.[18]

Moreover, Nasdaq proposes to offer a Media Monitoring/Social Listening service and a Virtual Event service to Eligible New Listings and Eligible Switches.[19] The Media Monitoring/Social Listening service would track coverage of company mentions, news, and events across online and social media and, according to Nasdaq, has a retail value of approximately $12,000 per year.[20] Through the Virtual Event service, a company would receive access to a virtual event platform for use during one investor or capital market day presentation event, which may occur once in the period during which the company is eligible to receive services from the complimentary services package.[21] The proposal states that the Virtual Event service has a retail value of approximately $20,400.[22]

Nasdaq states that, given the increased attention from shareholders and other stakeholders to ESG disclosure, it proposes to offer Eligible New Listings and Eligible Switches an ESG Core service.[23] The ESG Core service would provide companies with access to a software solution that would simplify the gathering, tracking, approving, managing and disclosing of ESG data, including the most universal and useful ESG metrics to provide insight into the sustainability performance of the company.[24] According to the proposal, ESG Core service has a retail value of approximately $20,000 per year.[25] Nasdaq states that, in addition, one-time development fees of approximately $1,000 to establish the ESG Core product in the first year would be waived.[26]

Nasdaq also proposes to offer Eligible New Listings and Eligible Switches that have a market capitalization of $750 million or more an ESG Education and Sector Benchmarking service, whereby companies will receive access to ESG education, insight, and sector benchmarks to help them understand the ESG landscape.[27] According to Nasdaq, the service would provide insight into capital invested in ESG strategies, an overview of ESG frameworks, insight into ESG rating providers, and other ESG information, and the sector benchmarks would provide transparency into aggregated ESG disclosure practices for the company's specified sector.[28] The proposal states that the ESG Education and Sector Benchmarking service has a retail value of approximately $30,000 per year.[29]

Nasdaq states that Eligible New Listings and Eligible Switches that have a market capitalization less than $750 million would be eligible to receive the ESG Core service, while Eligible New Listings and Eligible Switches that have a market capitalization of $750 million or more would be eligible to receive the ESG Core service and the ESG Education and Sector Benchmarking service.[30] According to Nasdaq, it believes that offering different ESG services based on a company's market capitalization is not unfairly discriminatory because larger companies generally will need more and different ESG services, and the distinction based on market capitalization is clear and transparent.[31]

Nasdaq states that it believes that offering the Media Monitoring/Social Listening service, the Virtual Event service, and the ESG services to public companies would help them fulfill their responsibilities as public companies and provide information important for communicating with their investors.[32] Nasdaq states that no company is required to use these services as a condition of listing.[33]

Nasdaq states that proposed IM–5900–7 would describe the complimentary service package applicable to eligible companies listing on or after the effective date of this proposed rule change.[34] Nasdaq also states that to improve transparency and ease the application of the rules, it proposes to adopt IM–5900–7A to describe the current complimentary service package applicable to eligible companies that list before the effective date of the proposed rule change.[35] Nasdaq represents that proposed IM–5900–7 is intended to be substantively identical to proposed IM–5900–7A, except as modified by this proposal.[36]

Nasdaq states, with respect to the proposal to extend the complimentary services period for Eligible New Listings and for Eligible Switches that have a market capitalization of less than $750 million, that it believes that it is appropriate to offer complimentary services for a longer period to those Eligible New Listings and Eligible Switches that list after approval of this proposal than would be provided to those companies already listed on Nasdaq, because the purpose of the proposal is to attract future listings and this competitive purpose would not be served by providing the complimentary services for an extended period to companies that are already listed.[37] Nasdaq also states that it expects that

[15] *See* Notice, *supra* note 3, at 7157.

[16] *See* Amendment No. 1, *supra* note 4, at 13 n.30.

[17] *See id.*

[18] *See id.* at 8; proposed IM–5900–7(c)(1) and (2) and (d)(1). Eligible Switches that have a market capitalization of $750 million or more or $5 billion or more would continue to receive complimentary services for four years. *See* proposed IM–5900–7(d)(2) and (3).

[19] *See* proposed IM–5900–7(b).

[20] *See* proposed IM–5900–7(b).

[21] *See* Notice, *supra* note 3, at 7156; proposed IM–5900–7(b).

[22] *See* proposed IM–5900–7(b).

[23] *See* Notice, *supra* note 3, at 7156.

[24] *See* proposed IM–5900–7(b)(ii).

[25] *See id.*

[26] *See* Notice, *supra* note 3, at 7156. Nasdaq states that, currently, the complimentary service package waives one-time development fees of approximately $5,000 to establish the complimentary services in the first year for Eligible New Listings and Eligible Switches. *See id.* at 7156 n.11; IM–5900–7(c) and (d). According to Nasdaq, with the additional waiver of one-time development fees of $1,000 in connection with the ESG Core service, the new complimentary service package would provide that one-time development fees of approximately $6,000 will be waived. *See* Notice, *supra* note 3, at 7156 n.11; proposed IM–5900–7(c) and (d).

[27] *See* proposed IM–5900–7(b)(i).

[28] *See* Notice, *supra* note 3, at 7156.

[29] *See* proposed IM–5900–7(b)(i).

[30] *See* Notice, *supra* note 3, at 7156.

[31] *See id.* at 7157.

[32] *See* Amendment No. 1, *supra* note 4, at 10.

[33] *See* Notice, *supra* note 3, at 7156–57. If a company chooses to discontinue the services, there would be no effect on the company's continued listing on the Exchange. *See id.*

[34] *See id.* at 7156. Nasdaq proposes to revise the title of IM–5900–7 to specify that the rule would apply to eligible companies listing on or after the effective date of the proposed rule change. *See* proposed IM–5900–7.

[35] *See* Notice, *supra* note 3, at 7156. The Commission notes that, although proposed IM–5900–7A is substantively identical to current IM–5900–7, Nasdaq proposes to update the values of certain complimentary services and the total retail values of the complimentary service package offered to each tier of Eligible New Listings and Eligible Switches in IM–5900–7A. *See infra* note 39 and accompanying text.

[36] *See* Notice, *supra* note 3, at 7156.

[37] *See* Amendment No. 1, *supra* note 4, at 13–14.

companies that consider listing on Nasdaq after the proposal is approved will take the enhanced offering into account when choosing their listing market and budgeting for their needs that are met by the complimentary services, whereas existing listed companies will have made their market choice and undertaken their financial planning on the basis of the current services offering and therefore will not be harmed by the proposed change.[38]

Finally, Nasdaq proposes to update the stated values of the services described in proposed IM–5900–7, IM–5900–8, and IM–5900–7A to reflect their current values.[39] Nasdaq represents that no other company would be required to pay higher fees as a result of the proposed amendments and that providing this service will have no impact on the resources available for its regulatory programs.[40]

III. Discussion and Commission's 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.[41] Specifically, the Commission believes the proposed rule change, as modified by Amendment No. 1, is consistent with the provisions of Sections 6(b)(4) and (5) of the Act,[42] in particular, in that it 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, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Moreover, the Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(8) of the Act[43] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that it is consistent with the Act for Nasdaq to eliminate the third tier of complimentary services offered to Eligible New Listings. Under the proposal, all Eligible New Listings with a market capitalization of $750 million or more would be offered the same complimentary services package for three years. Therefore, this change would have the effect of treating any company with a market capitalization at or above $750 million the same in terms of the complimentary services provided upon listing, whereas under the current rule Eligible New Listings with a market capitalization of $5 billion or more received more complimentary services than other Eligible New Listings. The Commission notes that the stated total retail value of the complimentary services packages offered to Eligible New Listings with a market capitalization of $5 billion or more would increase under the proposal when such companies are included in the revised market capitalization tier of $750 million or more, notwithstanding the elimination of the third tier.[44] Eligible Switches under the proposal will still maintain their existing three tier structure, which includes the highest tier applicable to Eligible Switches with market capitalizations of $5 billion or more. Nasdaq states that Eligible Switches tend to have a larger market capitalization than Eligible New Listings and these larger companies generally will need more services, and therefore it believes that retaining the third tier for Eligible Switches remains appropriate.[45]

The Commission believes that it is consistent with the Act for Nasdaq to extend the complimentary services period offered to all Eligible New Listings and for Eligible Switches that have a market capitalization of less than $750 million from the current two years to three years. Under the proposal, the complimentary services period offered to Eligible Switches that have a market capitalization of $750 million or more but less than $5 billion, or that have a market capitalization of $5 billion or more, will remain at four years. Therefore, under the proposal, Eligible New Listings and Eligible Switches that have a market capitalization of less than $750 million would continue to have a complimentary services period of the same length. In addition, the proposal would reduce the discrepancy between the length of the complimentary services period offered to these companies and the length of the complimentary services period offered to Eligible Switches with a market capitalization of $750 million or more.

The Commission also believes that it is consistent with the Act for Nasdaq to offer Media Monitoring/Social Listening, Virtual Event, and ESG services to Eligible New Listings and Eligible Switches. Nasdaq states that it believes that offering the Media Monitoring/Social Listening service and Virtual Event service to public companies promotes just and equitable principles of trade and protects investors and the public interest by helping Eligible New Listings and Eligible Switches fulfill their responsibilities as public companies through enhanced stakeholder engagement.[46] Further, Nasdaq states that offering the ESG Core service and the ESG Education and Sector Benchmarking service similarly promotes just and equitable principles of trade and protects investors and the public interest by allowing Nasdaq-listed companies to enhance ESG disclosure relevant to shareholders investment decisions.[47] In addition, Nasdaq states that no company is required to use these complimentary services.[48] Further, Nasdaq states that offering different ESG services based on a company's market capitalization is not unfairly discriminatory because larger companies generally will need more and different ESG services, and that the distinction based on market capitalization is clear and transparent.[49]

The Commission believes that Nasdaq is responding to competitive pressures in the market for listings in making this proposal. Nasdaq states in its proposal that it faces competition in the market

[38] *See* Notice, *supra* note 3, at 7157.

[39] *See id.* at 7157. Specifically, Nasdaq proposes to update the stated retail values of services described in proposed IM–5900–7 and IM–5900–7A as follows: Investor Relations website service from $17,000 to $17,600 per year; Audio Webcasting service from $7,000 to $7,800 per year; and Global Targeting service from $44,000 to $48,000 per year. *See* proposed IM–5900–7, IM–5900–7A, and IM–5900–8. Nasdaq also proposes to make corresponding revisions to the stated total retail value of services per year that is provided to each tier of Eligible New Listings and Eligible Switches. *See* proposed IM 5900–7 and IM–5900–7A.

[40] *See* Notice, *supra* note 3, at 7157. Nasdaq also represents that the proposed rule change will help ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed. *See id.* at 7158.

[41] 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).

[42] 15 U.S.C. 78f(b)(4) and (5).

[43] 15 U.S.C. 78f(b)(8).

[44] According to Nasdaq, the total retail value of the complimentary services package that would be made available to Eligible New Listings with a market capitalization of $5 billion or more that list before the effective date of the proposed rule change is up to approximately $186,400 per year, and the complimentary services would be offered for two years. *See* proposed IM–5900–7A(c)(3). Also according to Nasdaq, the total retail value of the complimentary services package that would be made available to Eligible New Listings with a market capitalization of $750 million or more that list on or after the effective date of the proposed rule change is up to approximately $200,400 per year, with respect to complimentary services that would be offered for three years, and the company would receive one Virtual Event during that period with a retail value of approximately $20,400. *See* proposed IM–5900–7(c)(2).

[45] *See supra* notes 16–17 and accompanying text.

[46] *See* Notice, *supra* note 3, at 7157.

[47] *See id.*

[48] *See id.*

[49] *See supra* note 31 and accompanying text.

for listing services and that it competes, in part, by offering complimentary services to companies.[50] Specifically, Nasdaq is increasing the types of complimentary services offered and, in certain instances, expanding the complimentary services period for Eligible New Listings and Eligible Switches that list on or after the effective date of the proposed rule change. Nasdaq states that it believes that it is appropriate to offer complimentary services for a longer period for Eligible New Listings and certain Eligible Switches that list after this date because the competitive purpose of the proposal, to attract future listings, would not be served by extending the period of complimentary services for companies that are already listed.[51] Nasdaq also states that existing listed companies would not be harmed by the proposal because they have already made their market choice and planned their budget on the basis of the current services offering.[52] The Commission believes that it is reasonable and consistent with Sections 6(b)(4) and 6(b)(5) of the Act [53] for the Exchange to expand the types of complimentary services and the length of the complimentary services period offered to Eligible New Listings and Eligible Switches that list on or after the effective date of the proposed rule change. In addition, 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.[54]

As noted in the Commission's previous order approving IM–5900–7, Section 6(b)(5) of the Act does not require that all issuers be treated the same; rather, the Act requires that the rules of an exchange not unfairly discriminate between issuers.[55] In addition, the Commission believes that describing in the Exchange's rules the products and services available to listed companies and their associated values, as well as the length of time companies are entitled to receive such services, will ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed, that would raise unfair discrimination issues under the Act.[56] The Commission has previously found that the package of complimentary services offered to Eligible New Listings and Eligible Switches is equitably allocated among issuers consistent with Section 6(b)(4) of the Act and that describing the values of the services adds greater transparency to the Exchange's rules and to the fees applicable to such companies.[57] Based on the foregoing, the Commission believes that Nasdaq has provided a sufficient basis for (i) eliminating the third tier based on market capitalization for complimentary services offered to Eligible New Listings; (ii) extending the complimentary services time period for Eligible New Listings and for Eligible Switches with a market capitalization of less than $750 million from two to three years; (iii) adding the Media Monitoring/Social Listing service, Virtual Event service, and certain ESG services to the complimentary services package offered to Eligible New Listings and Eligible Switches; and (iv) implementing these changes for companies listing on or after the effective date of the proposed rule change. The Commission believes that the proposal does not unfairly discriminate among issuers and is therefore consistent with Section 6(b)(5) of the Act. For similar reasons, the Commission believes that the packages of complimentary services to be offered pursuant to Nasdaq's proposal are equitably allocated among issuers consistent with Section 6(b)(4) of the Act.

The Commission also believes that it is reasonable, and in fact required by Section 19(b) of the Act, that Nasdaq amend its rules to update the products and services it offers to Eligible New Listings, Eligible Switches, and other Acquisition Companies listed under IM–5101–2, including the time periods for which such products and services are offered and the commercial value of such products and services. This provides greater transparency to the Exchange's rules and the fees, and the value of free products and services, applicable to listed companies.

Finally, the Commission finds that it is consistent with Section 6(b)(5) of the Act [58] for Nasdaq to make various technical and conforming revisions to facilitate clarity of its rules.

IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including 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 Number SR–NASDAQ–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–NASDAQ–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

[50] *See supra* note 13 and accompanying text.

[51] *See supra* note 37 and accompanying text.

[52] *See supra* note 38 and accompanying text.

[53] 15 U.S.C. 78f(b)(4) and (5).

[54] 15 U.S.C. 78f(b)(8).

[55] 15 U.S.C. 78f(b)(5); *see also* Securities Exchange Act Release No. 65963 (December 15, 2011), 76 FR 79262, 79266 (December 21, 2011) (approving NASDAQ–2011–122) (''2011 Approval Order'') (''The Commission believes that NASDAQ has provided a sufficient basis for its different treatment of Eligible Switches and that this portion of NASDAQ's proposal meets the requirements of the Act in that it reflects competition between exchanges, with NASDAQ offering discounts for transfers of listings from a competing exchange.'').

[56] *See* Securities Exchange Act Release No. 79366 (November 21, 2016), 81 FR 85663, 85665 (November 28, 2016) (approving NASDAQ–2016–106) (''2016 Approval Order'') (citing Securities Exchange Act Release No. 65127 (August 12, 2011), 76 FR 51449, 51452 (August 18, 2011) (approving NYSE–2011–20)). The Commission notes that Nasdaq represents that no other company will be required to pay higher fees as a result of the proposal, that the proposal will have no impact on the resources available for its regulatory programs, and that the proposal will help to ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed. *See supra* note 40 and accompanying text.

[57] *See* 2016 Approval Order, *supra* note 56, at 85665; 2011 Approval Order, *supra* note 55, at 79266.

[58] 15 U.S.C. 78f(b)(5).

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–NASDAQ–2021–002 and should be submitted on or before April 8, 2021.

V. Accelerated Approval of the 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 filing of Amendment No. 1 in the **Federal Register**. The Commission notes that the original proposal was published for comment in the **Federal Register**,[59] and the Commission did not receive any comments other than Nasdaq's amendment to the proposed rule change. The Commission also notes that while in the current rule, the complimentary services period for Eligible New Listings and for Eligible Switches with a market capitalization of less than $750 million is two years, the original proposal would have extended this period to three years for Eligible New Listings only. By amending the proposal to extend the complimentary services period for Eligible Switches with a market capitalization of less than $750 million from two to three years, Amendment No. 1 eliminates what would have been a new difference between the length of the complimentary services period offered to Eligible Switches with a market capitalization of less than $750 million and the length of the complimentary services period offered to Eligible New Listings. This change, and the other minor clarifying changes in Amendment No. 1, assist the Commission in evaluating the Exchange's proposal and in determining that it is consistent with the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[60] 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,[61] that the proposed rule change (SR–NASDAQ–2021–002), as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[62]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05562 Filed 3–17–21; 8:45 am]

BILLING CODE 8011–01–P

[59] *See* Notice, *supra* note 3.

[60] 15 U.S.C. 78s(b)(2).

[61] *Id.*

[62] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91309; File No. SR–NYSEArca–2020–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend NYSE Arca Rule 5.3–E To Exempt Registered Investment Companies That List Certain Categories of the Securities Defined as Derivative and Special Purpose Securities Under NYSE Arca Rules From Having To Obtain Shareholder Approval Prior to the Issuance of Securities in Connection With Certain Acquisitions of the Stock or Assets of an Affiliated Company

March 12, 2021.

On August 28, 2020, NYSE Arca, Inc. (''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 amend NYSE Arca Rule 5.3–E (Corporate Governance and Disclosure Policies) to exempt certain categories of derivative and special purpose securities from the requirement to obtain shareholder approval prior to the issuance of securities in connection with certain acquisitions of the stock or assets of another company. The proposed rule change was published in the **Federal Register** on September 17, 2020.[3] On October 30, 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 December 1, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the proposed rule change as originally filed.[6] On December 15, 2020, the Commission published notice of Amendment No. 1 and instituted proceedings under Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[8] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act [9] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on September 17, 2020.[10] The 180th day after publication of the Notice is March 16, 2021. The Commission is extending the time period for approving or disapproving the proposal for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[11] designates May 15, 2021, as the date by which the Commission shall either approve or disapprove or the proposed rule change (File Number SR–NYSEArca–2020–54), as modified by Amendment No. 1.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89834 (September 11, 2020), 85 FR 58090.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90297, 85 FR 70701 (November 5, 2020).

[6] Amendment No. 1 is available on the Commission's website at *https://www.sec.gov/rules/sro/nysearca.htm.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 90675, 85 FR 83121 (Dec. 21, 2020).

[9] 15 U.S.C. 78s(b)(2).

[10] *See supra* note 3.

[11] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05556 Filed 3–17–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91314; File No. SR–EMERALD–2021–08]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 200, Trading Permits

March 12, 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 March 1, 2021, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 200(d) requiring membership in another national securities exchange or association.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald* at MIAX Emerald's principal office, 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 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 purpose of the proposed rule change is to amend Exchange Rule 200(d) requiring membership in another national securities exchange or association. In sum, Exchange Rule 200(d) currently requires that Trading Permit [3] holders be a member in another registered options exchange, other than the Exchange's affiliates, the Miami International Securities Exchange, LLC (''MIAX'') or MIAX PEARL, LLC (''PEARL''), or the Financial Industry Regulatory Authority, Inc. (''FINRA'') where such other registered options exchange has not been designated by the Commission, pursuant to Rule 17d–1 under the Exchange Act, to examine Members for compliance with financial responsibility rules. Exchange Rule 200(d), therefore, does not allow a Trading Permit Holder that is not a FINRA member [4] to satisfy this requirement by being a member of a registered equities exchange. The Exchange believes that requiring membership in another registered options exchange is unnecessarily too restrictive and is also not in line with similar membership requirements at other exchanges.[5] Therefore, to enable more broker-dealers to become Trading Permit holders, the Exchange proposes to amend Exchange Rule 200(d) to require membership in a registered national securities exchange, rather than only registered options exchanges.[6] Exchange Rule 200(d) will continue to require Trading Permit holders to be FINRA members where the registered national securities exchange that they maintain membership is not designated by the Commission to examine members for compliance with financial responsibility rules pursuant to Rule 17d–1 of the Exchange Act.[7]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

The Exchange believes that the proposed rule change would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest by expanding the number of registered brokers-dealers that would be eligible to become Trading Permit holders and trade on the Exchange, while maintaining high regulatory standards and a comprehensive regulatory regime with respect to such firms. Exchange Rule 200(d) was too restrictive by limiting membership in another registered national securities exchange to only registered options exchanges and, therefore, unnecessarily precluded broker-dealers who were members of a registered equities exchange from becoming Trading Permit holders. As mentioned above, Exchange Rule 200(d) will continue to require Trading Permit holders to be FINRA members where the registered national securities exchange that they maintain membership is not designated by the Commission to examine members for compliance with financial responsibility rules pursuant to Rule 17d–1 of the Exchange Act. This will ensure that those Trading Permit holders that are not FINRA members maintain membership at a registered options or equities exchange that may be

[12] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Trading Permit'' means a permit issued by the Exchange that confers the ability to transact on the Exchange. *See* Exchange Rule 100.

[4] A Trading Permit Holder that does not transact business with the public is not required to become a FINRA member. Section 15(b)(8) of the Act that requires members that transact business with the public to be a member of FINRA. 15 U.S.C. 78*o*(b)(8).

[5] *See* Cboe EDGX Exchange, Inc. (''EDGX'') Rule 2.5(a)(4), Cboe EDGA Exchange, Inc. (''EDGA'') Rule 2.5(a)(4), Cboe BZX Exchange, Inc. (''BZX'') Rule 2.5(a)(4), Cboe BYX Exchange, Inc. (''BYX'', collectively with EDGX, EDGA, and BZX, the ''Cboe Equity Exchanges'') Rule 2.5(a)(4), MEMX LLC (''MEMX'') Rule 2.5(a)(4), Investors Exchange, Inc. (''IEX'') Rule 2.130(a), Long Term Stock Exchange, Inc. (''LTSE'') Rule 2.130 *and* BOX Exchange LLC (''BOX'') Rule 2020(a).

[6] The Exchange also propose to include the phrase ''or FINRA'' at the end of Exchange Rule 200(d)'s title.

[7] Rule 17d–1 of the Act authorizes the Commission to name a single Self-Regulatory Organization (''SRO'') as the Designated Examining Authority (''DEA'') to examine members of more than one SRO (''common member'') for compliance with the financial responsibility requirements imposed by the Exchange Act, or by Commission or SRO rules. 17 CFR 240.17d–1. The Exchange does not currently act as the DEA for any Trading Permit holder.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

designated as their DEA by the Commission. The proposed rule change would also contribute to perfecting the mechanism of a free and open market and a national market system, which outcomes are also consistent with the protection of investors and the public interest, by aligning the Exchange's membership requirements more closely with that of its affiliate, PEARL,[10] and those of other national securities exchanges.[11]

The proposed rule change would also not unfairly discriminate between or among market participants because both current and prospective Trading Permit holders would be subject to the rule. All Trading Permit holders would be regulated in the same manner by the Exchange should they be a member of another registered national options or equities exchange.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance competition by expanding the number of registered brokers-dealers that would be eligible to become Trading Permit holders and trade on the Exchange by aligning Exchange Rule 200(d) with that of other national securities exchanges.[12]

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[13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[16] permits the Commission to 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 proposed rule change may become operative immediately. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately expand the number of registered broker-dealers that would be eligible to become Trading Permit holders on the Exchange and align its membership requirements more closely with those of other national securities exchanges.[17] For this reason, and because the proposal does not raise any novel regulatory issues, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

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 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–EMERALD–2021–08 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–EMERALD–2021–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EMERALD–2021–08 and should be submitted on or before April 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05558 Filed 3–17–21; 8:45 am]

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[10] *See* Securities Exchange Act Release No. 91146 (February 17, 2021)), 86 FR 11022 (February 23, 2021) (SR–PEARL–2021–03).

[11] *See supra* note 5.

[12] *Id.*

[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 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. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See supra* note 5.

[18] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91319; File No. SR–NYSEArca–2021–16]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

March 12, 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 March 1, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') 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 the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') to (1) replace current Tape C Tier 1 and Tape C Tier 2 pricing tiers with four new pricing tiers, Tape C Tiers 1–4; (2) adopt an alternative requirement to qualify for the Tier 1 pricing tier; (3) modify the requirement associated with the Step Up Tier pricing tier; and (4) eliminate the Cross-Asset Tier 1 pricing tier. The Exchange proposes to implement the fee changes effective March 1, 2021. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 the Fee Schedule to (1) replace current Tape C Tier 1 and Tape C Tier 2 pricing tiers with four new pricing tiers, Tape C Tiers 1–4; (2) adopt an alternative requirement to qualify for the Tier 1 pricing tier; (3) modify the requirement associated with the Step Up Tier pricing tier; and (4) eliminate the Cross-Asset Tier 1 pricing tier.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for ETP Holders [3] to send additional liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective March 1, 2021.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] numerous alternative trading systems,[7] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 17% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 10% market share of executed volume of equities trading.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. With respect to non-marketable order flow that would provide liquidity on an Exchange against which market makers can quote, ETP Holders can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

Proposed Rule Change

Tape C Tiers 1–4

The proposed rule change is designed to be available to all ETP Holders on the Exchange and is intended to provide ETP Holders an opportunity to receive enhanced rebates by executing more of their orders in Tape C securities on the Exchange.

In this competitive environment, the Exchange has already established Tape C Tiers 1 and 2, which are designed to encourage ETP Holders that provide liquidity in Tape C securities to increase that order flow, which would benefit all ETP Holders by providing greater execution opportunities on the Exchange. The Exchange currently has multiple levels of credits for such orders that are based on the amount of volume that ETP Holders send to the Exchange.

[3] All references to ETP Holders in connection with this proposed fee change include Market Makers.

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

Specifically, under Tape C Tier 1,[10] ETP Holders receive a credit of $0.0002 per share for orders that provide liquidity. This credit is in addition to the ETP Holder's tiered or basic rate credit(s) and is capped at $0.0031 per share. Additionally, under Tape C Tier 2,[11] ETP Holders also receive a credit of $0.0002 per share for orders that provide liquidity. This credit is in addition of the ETP Holder's tiered or basic rate credit(s) and is capped at $0.0033 per share.

In order to provide an incentive for ETP Holders to direct increased liquidity in Tape C securities, the Exchange proposes to replace the current Tape C pricing tiers with four new Tape C pricing tiers where the credits increase in the various tiers based on increased levels of volume directed to the Exchange.

Specifically, under proposed new Tape C Tier 4, ETP Holders that add liquidity to the Exchange in Tape C securities with a per share price of $1.00 or more and that have at least 0.15% Tape C Adding ADV as a percentage of US CADV,[12] or 20 million shares of Tape C Adding ADV would receive a credit of $0.0029 per share. Under proposed new Tape C Tier 3, ETP Holders that have at least 0.25% Tape C Adding ADV as a percentage of US CADV would receive a credit of $0.0031 per share. Under proposed new Tape C Tier 2, ETP Holders that have at least 0.35% Tape C Adding ADV of US CADV would receive a credit of $0.0033 per share. Finally, under proposed new Tape C Tier 1, ETP Holders that have at least 0.40% Tape C Adding ADV of US CADV would receive a credit of $0.0034 per share and would pay a fee of $0.0029 per share for removing liquidity.

The Exchange proposes to replace the current Tape C pricing tiers because the pricing tiers have been underutilized by ETP Holders. The Exchange believes the proposed new Tape C pricing tiers will encourage ETP Holders to increase their trading activity on the Exchange and direct more of their liquidity providing orders in Tape C securities to the Exchange.

Tier 1

Currently, under Tier 1, ETP Holders that provide liquidity an average daily share volume (ADV) per month of 0.70% or more of US CADV are provided a credit of $0.0031 per share for orders that provide liquidity in Tape A securities, a credit of $0.0023 per share for orders that provide liquidity in Tape B securities,[13] and a credit of $0.0032 per share for orders that provide liquidity in Tape C securities.[14]

The Exchange proposes to modify the requirements to qualify for Tier 1 by adopting an alternative qualification basis for the Tier 1 fees and credits. As proposed, ETP Holders would qualify for the current fees and credits by providing liquidity an ADV of 0.70% or more of US CADV or at least 84 million shares of providing ADV. The Exchange does not propose any changes to the amount of fees charged and credits provided under Tier 1.

The Exchange believes that introducing alternative criteria for ETP Holders to qualify for Tier 1 will allow greater number of ETP Holders to potentially qualify for the tier, and will incentivize more ETP Holders to route their liquidity-providing order flow to the Exchange in order to qualify for the tier. This in turn would support the quality of price discovery on the Exchange and provide additional price improvement opportunities for incoming orders. The Exchange believes that by correlating the amount of the fee to the level of orders sent by an ETP Holder that add liquidity, the Exchange's fee structure would incentivize ETP Holders to submit more orders that add liquidity to the Exchange, thereby increasing the potential for price improvement to incoming marketable orders submitted to the Exchange.

The Exchange also proposes the non-substantive change of deleting ''share'' from ''average daily share volume'' in Tier 1 and adopting ''ADV'' as an abbreviation for average daily volume.

As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional ETP Holders could qualify for the tiered rate under the new qualification criteria if they choose to direct order flow to, and increase quoting on, the Exchange. However, without having a view of ETP Holders' activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any additional ETP Holders directing orders to the Exchange in order to qualify for the Tier 1 fees and credits.

Step Up Tier

Under the Step Up Tier, an ETP Holder is eligible to earn credits payable under the tier if the ETP Holder directly executes providing average daily volume (ADV) per month of 0.50% or more, but less than 0.70%, of US CADV and directly executes providing ADV that is an increase of no less than 0.10% of US CADV for that month over the ETP Holder's providing ADV in Q1 2018. ETP Holders that meet this requirement are eligible to earn the following credit:

- $0.0030 per share for orders that provide displayed liquidity in Tape A securities;
- $0.0023 per share for orders that provide displayed liquidity in Tape B securities; and
- $0.0031 per share for orders that provide displayed liquidity in Tape C securities.

The Exchange proposes to modify the volume requirement applicable to ETP Holders to qualify for the Step Up Tier by lowering the percentage threshold that an ETP Holder must meet, from 0.50% or more, but less than 0.70%, of US CADV to 0.45% or more, but less than 0.70%, of US CADV.

The Exchange believes the amended criteria would incentivize order flow providers to send a greater number of liquidity-providing orders to the Exchange to qualify for the pricing tier. As described above, ETP Holders with liquidity-providing orders have a choice of where to send those orders. The Exchange believes that, if it lowers the requirement to qualify for the credit, more ETP Holders will choose to route

[10] To qualify for Tape C Tier 1, an ETP Holder on a daily basis, measured monthly, is required to execute providing volume in Tape C securities that is equal to at least 0.10% of the US Tape C CADV over the ETP Holder's Q4 2016 providing volume taken as a percentage of Tape C CADV.

[11] To qualify for Tape C Tier 2, an ETP Holder on a daily basis, measured monthly, is required to execute providing volume in Tape C securities that is equal to at least 0.20% of the US Tape C CADV over the ETP Holder's Q4 2016 providing volume taken as a percentage of Tape C CADV.

[12] US CADV means the United States Consolidated Average Daily Volume for transactions reported to the Consolidated Tape, excluding odd lots through January 31, 2014 (except for purposes of Lead Market Maker pricing), and excludes volume on days when the market closes early and on the date of the annual reconstitution of the Russell Investments Indexes. Transactions that are not reported to the Consolidated Tape are not included in US CADV. *See* Fee Schedule, footnote 3.

[13] ETP Holders can receive an additional credit if they are affiliated with Lead Market Makers (''LMMs'') that provide displayed liquidity based on the number of Less Active ETP Securities in which the LMM is registered as an LMM. *See* Fee Schedule, LMM Transaction Fees and Credits.

[14] Under Tier 1, ETP Holders are also charged a fee of $0.0010 per share for Market, Market-On-Close, Limit-On Close, and Auction-Only Orders in Tape A, Tape B and Tape C securities executed in a Closing Auction.

their liquidity-providing orders to the Exchange.

As noted above, the Exchange operates in a competitive environment, particularly as relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional ETP Holders could qualify for the Step Up Tier credits under the revised qualification criteria if they choose to direct order flow to, and increase quoting on, the Exchange. However, without having a view of ETP Holders' activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any additional ETP Holders directing orders to the Exchange in order to qualify for the Step Up Tier credits. The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity but additional liquidity-providing orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

The Exchange is not proposing to amend any of the credits payable under the Step Up Tier.

Cross-Asset Tier 1

The Exchange proposes to eliminate the Cross-Asset Tier 1 pricing tier.

Under Cross-Asset Tier 1, ETP Holders can receive a credit of $0.0031 per share in Tape A securities, a credit of $0.0030 per share and a fee of $0.0029 per share in Tape B securities, and a credit of $0.0032 per share in Tape C securities if such ETP Holder provides liquidity of 0.30% or more of the US CADV per month, and is affiliated with an OTP Holder or OTP Firm that provides an ADV of electronic posted Customer executions in all issues on NYSE Arca Options (excluding mini options) of at least 0.55% of total Customer equity and ETF option ADV as reported by The Options Clearing Corporation (''OCC'').

The Exchange proposes to eliminate the Cross-Asset Tier 1 pricing tier and remove it from the Fee Schedule because the pricing tier has been underutilized by ETP Holders. The Exchange has observed that historically, few ETP Holders have qualified for the fees and credits under the Cross-Asset Tier 1 pricing tier. The pricing tier has not served to meaningfully increase activity on the Exchange or improve the quality of the market. Since January 2020, no ETP Holder has qualified under the pricing tier.

With the proposed elimination of Cross-Asset Tier 1, the Exchange proposes to rename current Cross-Asset Tier 2 as Cross-Asset Tier and replace reference to Cross-Asset Tier 2 with Cross-Asset Tier in the Fee Schedule. Additionally, the Exchange proposes to delete the following rule text under current Cross-Asset Tier 2 pricing tier: ''ETP Holders and Market Makers that qualify for this incremental Tape C credit shall not qualify for any fees and credits under Tape C Tier 1 and Tape C Tier 2.'' With the proposed deletion of current Tape C Tier 1 and Tape C Tier 2, the above rule text would no longer be applicable. For the same reason, the Exchange also proposes to delete the following rule text under current Step Up Tier 4: ''ETP Holders and Market Makers that qualify for Step Up Tier 4 shall not receive any additional incremental Tape C Tier credits for providing displayed liquidity.''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[16] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Fee Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [17]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue to [sic] reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order [sic] which provide liquidity on an Exchange, ETP Holders can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces reasonably constrain exchange transaction fees that relate to orders that would provide displayed liquidity on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Tape C Tiers 1–4

The Exchange believes the proposal to eliminate current Tape C Tier 1 and Tier 2 is reasonable because the Exchange is not required to maintain these tiers. Moreover, ETP Holders still have a number of other opportunities and a variety of ways to receive enhanced rebates for liquidity adding orders, including via the proposed new Tape C Tiers 1–4. The Exchange notes that the proposed change does not preclude any ETP Holder from achieving the proposed new Tape C Tiers 1–4 to qualify for the rebates or other available rebates under other pricing tiers (*i.e.,* Tier 2, Step Up Tier and Step Up Tier 4). Additionally, ETP Holders are still entitled to a rebate for their liquidity adding orders (*i.e.,* the standard rebate). Further, as noted above, all ETP Holders are eligible to qualify for the proposed new Tape C Tiers 1–4 should they satisfy the respective criteria.

The Exchange believes that the proposal to adopt Tape C Tiers 1–4 is reasonable because the tiers continue to provide an opportunity for ETP Holders to receive enhanced rebates based on the level of their trading activity in Tape C securities. The Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable and non-discriminatory because they are open to all ETP Holders on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality and associated higher levels of market activity. Additionally, as noted above, the Exchange operates in highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume and/

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4) and (5).

[17] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

or growth thresholds. These competing pricing schedules, moreover, are presently comparable to those that the Exchange provides, including the pricing of comparable tiers.[18]

Moreover, the Exchange believes the proposed new pricing tiers continue to be a reasonable means to encourage ETP Holders to increase their liquidity on the Exchange. Increased liquidity benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection.

Tier 1

The Exchange believes that the proposed new additional threshold for qualifying for Tier 1 is reasonable because it is designed to encourage increased trading activity on the Exchange. The Exchange believes it is reasonable to require ETP Holders to meet the applicable volume threshold to qualify for the Tier 1 credits. Further, the proposed change is reasonable as it would allow ETP Holders an additional method to qualify for the credits payable under the pricing tier if ETP Holders are unable to meet the existing requirement. The Exchange believes that the proposal represents a reasonable effort to promote price improvement and enhanced order execution opportunities for ETP Holders. All ETP Holders would benefit from the greater amounts of liquidity on the Exchange, which would represent a wider range of execution opportunities.

The Exchange further believes that removing an extraneous phrase from Tier 1 and adopting ADV as an abbreviation for ''average daily volume'' is reasonable as it would add clarity to the Fee Schedule.

Step Up Tier

The Exchange believes the proposed change to lower the volume requirement under the Step Up Tier is reasonable because it would allow ETP Holders to more easily meet the requirement of the pricing tier to receive per share credits payable under the pricing tier, thereby encouraging the submission of additional liquidity to a national securities exchange. Submission of additional liquidity to the Exchange would promote price discovery and transparency and enhance order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities.

The Exchange believes the proposed lower volume requirement is also reasonable as it would provide an additional incentive for ETP Holders to qualify for this established tier and direct their order flow to the Exchange and provide meaningful added levels of displayed liquidity, thereby contributing to the depth and market quality on the Exchange.

On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors.

Cross-Asset Tier 1

The Exchange believes that the proposed rule change to eliminate the Cross-Asset Tier 1 is reasonable because the pricing tier has been underutilized and has not incentivized ETP Holders to bring liquidity and increase trading on the Exchange. Since January 2020, no ETP Holder has availed itself to the pricing tier that the Exchange is proposing to eliminate. The Exchange does not anticipate any ETP Holder in the near future to qualify for the pricing tier that is the subject of this proposed rule change. The Exchange believes it is reasonable to eliminate requirements and credits, and even an entire pricing tier when such incentives become underutilized. The Exchange believes eliminating underutilized incentive programs would also simplify the Fee Schedule. The Exchange further believes that removing reference to the pricing tier that the Exchange is proposing to eliminate would also add clarity to the Fee Schedule.

The Proposed Fee Change Is an Equitable Allocation of Fees and Credits

The Exchange believes its proposal equitably allocates its fees among its market participants.

Tape C Tiers 1–4

The Exchange believes the proposal to eliminate the current Tape C Tier 1 and Tier 2 pricing tiers is equitable and not unfairly discriminatory because it would equally impact to all ETP Holders (*i.e.,* the tiers won't be available for any ETP Holder).

The Exchange believes that the proposed adoption of Tape C Tiers 1–4 represents an equitable allocation of fees and is not unfairly discriminatory because all ETP Holders will be eligible for the proposed new tiers and the corresponding rebates will apply uniformly to all ETP Holders that reach the proposed tier criteria. That is, the proposed tiers are designed as an incentive to any and all ETP Holders interested in meeting the tier criteria to submit additional order flow to the Exchange and each will receive the proposed rebate if a tier criteria is met. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular ETP Holder qualifying for the proposed tiers, the Exchange anticipates a number of ETP Holders meeting, or being reasonably able to meet, the proposed criteria. However, without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holder qualifying for the proposed new pricing tiers. The Exchange also notes that the proposed change will not adversely impact any ETP Holder's pricing or their ability to qualify for other rebate tiers. Rather, should an ETP Holder not meet the proposed criteria, the ETP Holder will merely not receive the corresponding rebate.

Tier 1

The Exchange believes the proposed rule change to introduce alternative criteria for ETP Holders to qualify for Tier 1 equitably allocates its fees among its market participants. The Exchange believes the Tier 1 pricing tier is equitable because it is open to all similarly situated ETP Holders on an equal basis and provides a per share credit that is reasonably related to the value of an exchange's market quality associated with higher volumes. The Exchange believes it is equitable to require ETP Holders to meet the applicable volume thresholds to qualify for the Tier 1 credits. Further, the proposed change is also equitable as it would allow ETP Holders an additional method to qualify for the credits payable under the pricing tier if ETP Holders are unable to meet the current requirement. The Exchange believes the proposed change would continue to encourage ETP Holders to both submit additional liquidity to the Exchange and execute orders on the Exchange, thereby contributing to robust levels of liquidity, to the benefit of all market participants.

The Exchange believes that modifying Tier 1 would encourage the submission and removal of additional liquidity from the Exchange, thus enhancing order execution opportunities for ETP Holders from the substantial amounts of

[18] *See e.g.,* Cboe BZX U.S. Equities Exchange (''BZX'') Fee Schedule, Footnote 1, Add/Remove Volume Tiers, which provide enhanced rebates between $0.0025 and $0.0031 per share for displayed orders where BZX members meet certain volume thresholds.

liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that would be present on the Exchange, which would provide greater execution opportunities.

The Exchange believes the proposed rule change would also improve market quality for all market participants seeking to remove liquidity on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market-wide quality. The Exchange believes that the proposal constitutes an equitable allocation of fees because all similarly situated ETP Holders and other market participants would be eligible for the same basic and tiered rates and would be eligible for the same fees and credits. Moreover, the proposed change is equitable because the revised criteria would apply equally to all similarly situated ETP Holders.

Step Up Tier

The Exchange believes that the proposed modification of the volume threshold to qualify for Step Up Tier represents an equitable allocation of fees. The Exchange is not proposing to adjust the amount of the Step Up Tier credits, which will remain at the current level for all ETP Holders. Rather, the proposal would continue to encourage ETP Holders to send orders that add liquidity to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants. The Exchange believes that lowering the requirements would make it easier for liquidity providers to qualify for the Step Up Tier credits. The proposed change will thereby encourage the submission of additional liquidity to a national securities exchange, thus promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities.

Without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any additional ETP Holders qualifying for this established tier. However, the Exchange believes the proposed lower volume requirement would provide an incentive for ETP Holders to continue to submit liquidity-providing order flow, which would promote price discovery and increase execution opportunities for all ETP Holders. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular ETP Holder qualifying for this established tier, the Exchange anticipates a number of ETP Holders meeting, or being reasonably able to meet, the proposed lower volume threshold. The proposed change will thereby encourage the submission of additional liquidity to a national securities exchange, thus promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange, which would benefit all market participants on the Exchange.

The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange thereby improving market-wide quality. ETP Holders that currently qualify for credits associated with Step Up pricing tiers on the Exchange will continue to receive credits when they provide liquidity to the Exchange. The Exchange believes that recalibrating the requirements for providing liquidity will continue to attract order flow and liquidity to the Exchange for the benefit of investors generally.

Cross-Asset Tier 1

The Exchange believes the proposal to eliminate Cross-Asset Tier 1 is equitably allocated because it would apply to all ETP Holders (*i.e.,* the tier won't be available for any ETP Holder). The Exchange notes that the proposed elimination of the tier does not preclude any ETP Holder from qualifying for the remaining Cross-Asset pricing tier or other pricing tiers.[19]

Specifically, the Exchange believes that the proposal constitutes an equitable allocation of fees because all similarly situated ETP Holders and other market participants would be equally ineligible for the tier proposed for deletion. The Exchange believes that eliminating requirements and credits, and even entire pricing tiers from the Fee Schedule when such incentives become ineffective is equitable and not unfairly discriminatory because the requirements, and credits, and even entire pricing tiers would be eliminated in their entirety and would no longer be available to any ETP Holder.

[19] *See e.g.,* Fee Schedule, Tier 2, which provides and fees and credits to ETP Holders affiliated with an OTP Holder or OTP Firm that has a market maker account on NYSE Arca Options.

The Proposed Fee Change Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

Tape C Tiers 1– 4

The Exchange believes that the proposed change to eliminate Tape C Tier 1 and Tier 2 and adopt Tape C Tiers 1–4 is not unfairly discriminatory because all ETP Holders will be impacted equally (*i.e.,* each won't be able to access current Tape C Tier 1 and Tier 2 and will equally be able to qualify for the proposed new Tape C Tiers 1–4 rebates if they meet the requirement under the new pricing tiers). The proposed new tiers are designed as an incentive to any and all ETP Holders interested in meeting the tier criteria to submit additional order flow to the Exchange and each will receive the proposed rebate if the tier criteria are met. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular ETP Holder qualifying for the proposed tiers, the Exchange anticipates a number of ETP Holders meeting, or being reasonably able to meet, the proposed criteria; however, the proposed tiers are open to any ETP Holder that satisfies each tier's criteria. The Exchange also notes that the proposed change will not adversely impact any ETP Holder's pricing or their ability to qualify for other tiers. Rather, should an ETP Holder not meet the criteria of the proposed new pricing tiers, the ETP Holder will merely not receive the corresponding rebate.

Tier 1

The Exchange believes that the proposed rule change to introduce alternative criteria for ETP Holders to qualify for Tier 1 is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Moreover, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. The Exchange believes that the proposal does not permit unfair discrimination because the proposal would be applied to all similarly situated ETP Holders and all ETP Holders would be subject to the same modified Tier 1. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by

the proposed allocation of fees. The Exchange further believes that the proposed changes would not permit unfair discrimination among ETP Holders because the general and tiered rates are available equally to all ETP Holders. As described above, in today's competitive marketplace, order flow providers have a choice of where to direct liquidity-providing order flow, and the Exchange believes there are additional ETP Holders that could qualify for Tier 1 if they chose to direct their order flow to the Exchange.

Step Up Tier

The Exchange believes that the proposed rule change to lower the volume requirement under Step Up Tier 1 is not unfairly discriminatory. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. The proposal does not permit unfair discrimination because the lower threshold would be applied to all similarly situated ETP Holders, who would all be eligible for the same credit on an equal basis. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by this allocation of fees.

The Exchange believes it is not unfairly discriminatory to adopt lower volume requirements for ETP Holders to qualify for the Step Up Tier pricing tier as the proposed change would apply on an equal basis to all ETP Holders. Further, the Exchange believes the proposed lower volume requirement would incentivize ETP Holders to execute more of their liquidity-providers orders on the Exchange to qualify for the credits payable under the Step Up Tier. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value of the Exchange's market quality associated with higher volume. The proposed lower volume requirement would apply equally to all ETP Holders as each would be required to meet the revised criteria.

Cross-Asset Tier 1

The Exchange believes the proposal to eliminate Cross-Asset Tier 1 is not unfairly discriminatory. As noted above, tn [sic] the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

Moreover, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. The Exchange believes that the proposal does not permit unfair discrimination because the proposal would be applied to all similarly situated ETP Holders (*i.e.,* the tier won't be available for any ETP Holder). Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by the proposed allocation of fees.

The Exchange believes that eliminating requirements and credits, and even entire pricing tiers from the Fee Schedule when such incentives become ineffective is equitable and not unfairly discriminatory because the requirements, and credits, and even entire pricing tiers would be eliminated in their entirety and would no longer be available to any ETP Holder.

Finally, the submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[20] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [21]

Intramarket Competition. The Exchange believes the proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or its competitors. The proposed changes are designed to attract additional order flow to the Exchange. The Exchange believes that the proposed adoption of new pricing tiers and amending criteria of established tiers would incentivize market participants to direct liquidity adding order flow to the Exchange, bringing with it additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage ETP Holders to send orders, thereby contributing towards a robust and well-balanced market ecosystem. The Exchange also does not believe the proposed rule change to eliminate underutilized pricing tiers will impose any burden on intramarket competition because the proposed change would impact all ETP Holders uniformly.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.,* excluding auctions) is currently less than 10%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

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.

[20] 15 U.S.C. 78f(b)(8).

[21] *See* Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [22] of the Act and subparagraph (f)(2) of Rule 19b–4 [23] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [24] 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–NYSEArca–2021–16 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–NYSEArca–2021–16. 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 offices 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–NYSEArca–2021–16, and should be submitted on or before April 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05559 Filed 3–17–21; 8:45 am]

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[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(2).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91307; File No. SR–NASDAQ–2021–011]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Credits at Equity 7, Section 118(a)

March 12, 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 March 1, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction credits at Equity 7, Section 118(a), as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* 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 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 purpose of the proposed rule change is to amend the Exchange's schedule of credits, at Equity 7, Section 118(a).

Presently, in Equity 7, Section 118(a), the Exchange offers several credits that are based, in part, upon members' activities in securities priced at or more than $1 relative to total ''Consolidated Volume.'' [3]

[3] Pursuant to Equity 7, Section 114(h), the term ''Consolidated Volume'' shares the meaning of that term set forth in Equity 7, Section 118(a). Equity 7, Section 118(a) defines ''Consolidated Volume'' to mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of a member's trading activity the date of the annual reconstitution of the Russell Investments Indexes is excluded from both total Consolidated Volume and the member's trading activity. Unlike Section 118(a), however, Section 114(h) states that, for purposes of calculating a member's qualifications for Tiers 1 and 2 of the QMM Program credits set forth in Equity 4, Section 114(e), the Exchange will calculate a member's volume and total Consolidated Volume twice. First, the Exchange will calculate a member's volume and total Consolidated Volume inclusive of volume that consists of executions in securities priced less than $1. Second, the Exchange will calculate a member's volume and total Consolidated Volume exclusive of

Continued

The Exchange proposes to amend two of the credits it offers to members in displayed quotes or orders in securities in all three Tapes (other than Supplemental Orders or Designated Retail Orders) that add liquidity to the Exchange.

First, the Exchange proposes to amend a credit it presently offers of $0.00295 per share executed to a member that, through one or more of its Nasdaq Market Center MPIDs (i) adds shares of liquidity during the month representing at least 0.50% of Consolidated Volume during the month; (ii) adds at least 0.35% of Consolidated Volume during the month in securities in Tape C; and (iii) adds at least 0.15% of Consolidated Volume during the month in Designated Retail Orders [4] for securities in any Tape. The Exchange proposes to increase the threshold percentage of Consolidated Volume necessary to qualify for this credit from 0.50% to 0.80%. The Exchange proposes to raise this threshold to incentivize members to increase the extent of their liquidity adding activity to continue to qualify for the $0.00295 per share executed credit. If members increase their liquidity adding activity on the Exchange to continue to qualify for this credit, then the quality of the market will improve, to the benefit of all participants.

Second, the Exchange proposes to amend a credit it presently offers of $0.0030 per share executed to a member with shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent more than 1.00% of Consolidated Volume during the month and shares of non-displayed liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent more than 0.25% of Consolidated Volume. The Exchange proposes to decrease the threshold percentage of Consolidated Volume necessary to qualify for this credit from 1.00% to 0.95%. The Exchange proposes to lower this threshold to render it easier for members to qualify for the $0.0030 per share executed credit. The Exchange believes that more members may seek to attain this credit to the extent that it is more accessible to them. If more members increase their liquidity adding activity on the Exchange to attain this credit, then the quality of the market will improve, to the benefit of all participants.

In addition to the above, the Exchange proposes to establish a new credit for non-displayed orders (other than supplemental orders). Specifically, the Exchange proposes to provide a new credit for other non-displayed orders if a member, during the month: (i) Provides 0.30% or more of Consolidated Volume through non-displayed orders (other than midpoint orders); and (ii) increases providing liquidity through non-displayed orders (including midpoint orders) by 10% or more relative to the member's February 2021 average daily volume provided through non-displayed orders (including midpoint orders). The amount of this credit will be $0.00125 per share executed for securities in Tapes A and B and $0.00075 per share executed for securities in Tape C.

The Exchange intends for this new credit to reward members that provide significant volumes of non-displayed liquidity on the Exchange and to encourage such members to further grow the extent to which they provide non-displayed liquidity to the Exchange. The Exchange believes that any ensuing increase in non-displayed liquidity on the Exchange will improve the quality of the Nasdaq market. In particular, the Exchange intends to encourage members to increase the extent to which they provide non-displayed liquidity in securities in Tapes A and B, as the Exchange believes that an increase in such liquidity is most needed and likely to be most beneficial to market quality.

2. Statutory Basis

The Exchange believes that its proposals are consistent with Section 6(b) of the Act,[5] in general, and further the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposals are also consistent with Section 11A of the Act relating to the establishment of the national market system for securities.

The Proposals Are Reasonable

The Exchange's proposals are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [7]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange

volume that consists of executions in securities priced less than $1, while also applying distinct qualifying volume thresholds to each Tier. The Exchange will then assess which of these two calculations would qualify the member for the most advantageous credits for the month and then it will apply those credits to the member.

[4] Pursuant to Equity 7, Section 118, a ''Designated Retail Order'' is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 and that originates from a natural person and is submitted to Nasdaq by a member that designates it pursuant to this section, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[8] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

and competing venues in response to changes in their respective pricing schedules. Within the foregoing context, the proposals represent reasonable attempts by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes that it is reasonable to modify the qualification criteria for two of its transaction credits, at Equity 7, Section 118(a) because they will each encourage the addition of liquidity to the Exchange, first by making it easier for additional members to qualify for the $0.0030 credit, and second by challenging members that currently qualify for the $0.00295 per share executed credit to add additional liquidity to the Exchange to continue to qualify for it. If more members seek to qualify for a credit by adding liquidity to the Exchange, and if members increase their extent of their liquidity adding activity on the Exchange to continue to qualify for a credit, then the quality of the market will improve, and the Exchange will become more attractive to existing and prospective participants.

The Exchange also believes that its proposal is reasonable to establish a new add non-displayed credit with a growth component tied to the addition of non-displayed liquidity. The proposal will encourage members to increase the extent to which they provide non-displayed liquidity to the Exchange, and it will reward members that do so in significant volumes. The Exchange believes that any ensuing increase in non-displayed liquidity on the Exchange—and in particular, non-displayed liquidity in securities in Tapes A and B—will improve the quality of the Nasdaq market, and it will cause the Exchange to become more attractive to existing and prospective participants. The Exchange notes that it selected February 2021 as the baseline for the growth requirements because it is the month immediately preceding the establishment of the new tier.

The Exchange notes that those market participants that are dissatisfied with the proposals are free to shift their order flow to competing venues that offer more generous pricing or less stringent qualifying criteria.

The Proposals Are Equitable Allocations of Credits

The Exchange believes its proposals will allocate its charges and credits fairly among its market participants.

The Exchange believes that is an equitable allocation to increase the eligibility requirements for the $0.00295 per share executed credit, and to lower the eligibility requirements for the $0.0030 per share executed credit, because both proposals will encourage members to add additional liquidity to the Exchange. To the extent that the Exchange succeeds in increasing liquidity on the Exchange, then the Exchange will experience improvements in its market quality, which again stands to benefit all market participants.

Additionally, the Exchange believes that it is equitable to establish a new add credit tier that is tied to the growth of non-displayed liquidity. The addition of this new proposed credit tier will encourage members to increase the extent to which they add non-displayed liquidity to the Exchange, and it will reward members that do so in significant volumes. The Exchange believes that any increase in non-displayed liquidity on the Exchange that follows from the introduction of this new credit—and in particular, non-displayed liquidity in securities in Tapes A and B—will improve the quality of the Nasdaq market, and it will cause the Exchange to become more attractive to existing and prospective participants.

Any participant that is dissatisfied with the proposals is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

The Proposals Are Not Unfairly Discriminatory

The Exchange believes that its proposals ae not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it incentivizes customer activity that increases liquidity, enhances price discovery, and improves the overall quality of the equity markets.

The Exchange believes that its proposals to amend the qualifying Consolidated Volume criteria for two of its transaction credits are not unfairly discriminatory because these credits are available to all members. Moreover, these proposals stand to improve the overall market quality of the Exchange, to the benefit of all market participants, by incentivizing members to increase the extent of their liquidity adding activity on the Exchange.

Likewise, the Exchange believes that its new proposed add credit with a growth component is not unfairly discriminatory because it is aimed at encouraging the growth of non-displayed liquidity on the Exchange, which if successful, stands to improve the quality of the Nasdaq market, to the benefit of all market participants. The Exchange notes that its proposal to offer higher credits to members with orders in non-displayed securities in Tapes A and B than to those in Tape C is fair because the Exchange observes that its market has a greater need for, and its market quality would benefit most from, growth in non-displayed liquidity in securities in Tapes A and B. The Exchange has limited resources with which to apply to incentives, and it must allocate those limited resources in a manner that prioritizes areas of greatest need and potential effect.

Any participant that is dissatisfied with the proposals is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage.

As noted above, the proposed changes to the qualifying criteria for two of its transaction credits are intended to have market-improving effects, to the benefit of all members. Any member may elect to achieve the levels of liquidity required in order to qualify for the credits or fees.

Likewise, the proposed addition of a rebate tied to a member's activity in non-displayed liquidity will encourage growth in that activity, to the benefit of overall market quality. Any member may elect to engage in the levels of non-displayed liquidity adding activity that are required to qualify for this new credit.

The Exchange notes that its members are free to trade on other venues to the extent they believe that the proposed amended qualification criteria for these fees and credits are not attractive. As one can observe by looking at any market share chart, price competition

between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. The Exchange notes that its pricing tier structure is consistent with broker-dealer fee practices as well as the other industries, as described above.

Intermarket Competition

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its credits and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own credits and fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which credit or fee changes in this market may impose any burden on competition is extremely limited.

The proposed amended credits are reflective of this competition because, even as one of the largest U.S. equities exchanges by volume, the Exchange has less than 20% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises upwards of 50% of industry volume.

The Exchange's proposals are pro-competitive in that the Exchange intends for them to increase liquidity on the Exchange, thereby rendering the Exchange a more attractive and vibrant venue to market participants.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[9]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–NASDAQ–2021–011 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–NASDAQ–2021–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–011 and should be submitted on or before April 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05554 Filed 3–17–21; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91308; File No. SR–CFE–2021–004]

Self-Regulatory Organizations; Cboe Futures Exchange, LLC; Notice of a Filing of a Proposed Rule Change Regarding Order Information

March 12, 2021.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 4, 2021 Cboe Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC

[1] 15 U.S.C. 78s(b)(7).

[2] The Commission notes that the Exchange originally filed its proposed rule change regarding order information on March 1, 2021 (SR–CFE–2021–003). SR–CFE–2021–003 was subsequently withdrawn and replaced by this filing in order to correct certain technical errors with the filing and typographical errors in the Exhibit 1.

under Section 5c(c) of the Commodity Exchange Act (''CEA'') [3] on March 1, 2021.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

CFE Trading Privilege Holders (''TPHs'') may interface with CFE's trading system (''CFE System'') by utilizing either the Financial Information Exchange (''FIX'') protocol or the Binary Order Entry (''BOE'') protocol. CFE plans to enhance the BOE protocol by implementing a new version of the Binary Order Entry protocol (''BOE Version 3''). In reviewing its rules in connection with the preparation for the implementation of BOE Version 3, the Exchange identified proposed rule updates to further clarify how certain existing system attributes function which are not changing as a result of the implementation of BOE Version 3. The proposed rule change includes rule updates of this type that the Exchange is making in connection with CFE's implementation of BOE Version 3.

The scope of this filing is limited solely to the application of the rule amendments to security futures that may be traded on CFE. Although no security futures are currently listed for trading on CFE, CFE may list security futures for trading in the future.

CFE is making the rule amendments included in this proposed rule change in conjunction with other rule amendments being made by CFE in connection with its implementation of the BOE Version 3 that are not required to be submitted to the Commission pursuant to Section 19(b)(7) of the Act [4] and thus are not included as part of this rule change.

The rule amendments included as part of this proposed rule change are to apply to all products traded on CFE, including both non-security futures and any security futures that may be listed for trading on CFE. CFE is submitting these rule amendments to the Commission under Section 19(b)(7) of the Act [5] because they relate to reporting requirements that would apply with respect to any security futures that may be traded on CFE.

The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

[3] 7 U.S.C. 7a–2(c).

[4] 15 U.S.C. 78s(b)(7).

[5] 15 U.S.C. 78s(b)(7).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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. CFE 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

CFE Rule 403 (Order Entry and Maintenance of Front-End Audit Trail Information) currently requires that single Orders, Bulk Messages, and Quotes submitted to the CFE System must contain specified information or they will be rejected or canceled back to the sender. CFE is proposing to amend Rule 403 to further clarify certain of its provisions.

Specifically, CFE is proposing to amend Rule 403 in the following ways:

Current Rule 403(b) enumerates the information that a single Order is required to contain. CFE is proposing to revise Rule 403(b) to clarify that the provisions of Rule 403(b) do not apply to Cancel Orders or to Cancel Replace/Modify Orders.

CFE is proposing to add new Rule 403(c) to address the information that a Cancel Order is required to contain. Specifically, proposed new Rule 403(c) provides that each Cancel Order must contain (i) the Client Order ID of the Order to be canceled; (ii) the Executing Firm ID (''EFID''); (iii) the Order Entry Operator ID; (iv) a manual Order indicator; and (v) any additional information as may be prescribed from time to time by the Exchange.

Similarly, CFE is proposing to add new Rule 403(d) to address the information that a Cancel Replace/Modify Order is required to contain. In particular, proposed new Rule 403(d) provides that each Cancel Replace/Modify Order must contain (i) a Client Order ID; (ii) the Client Order ID of the Order to be canceled; (iii) the EFID; (iv) the Order Entry Operator ID; (v) a manual Order indicator; (vi) the Order type; (vii) the price or premium; (viii) the quantity; and (ix) any additional information as may be prescribed from time to time by the Exchange.

To account for the proposed addition of paragraphs (c) and (d) to Rule 403, CFE proposes to change the paragraph lettering of current paragraphs (c) through (g) of Rule 403 to be paragraphs (e) through (i) of Rule 403.

Current Rule 403(e) (which is now proposed to be Rule 403(g)) provides that any single Order, Bulk Message, or Quote that does not contain required information in a form and manner prescribed by the Exchange will be rejected or canceled back to the sender by the CFE System. CFE proposes to revise this provision to make clear that any single Order, Bulk Message, or Quote that does not contain required or permitted information in a form and manner prescribed by the Exchange will be rejected or canceled back to the sender by the CFE System or the match capacity allocation through which the single Order, Bulk Message, or Quote was submitted will be disconnected by the CFE System.

For example, with the implementation of BOE Version 3, any Order submitted through a unit match capacity allocation must be for a CFE contract processed by the matching unit for that unit match capacity allocation. If the Order contains a contract identifier for a contract processed by a different matching unit, it would contain information that is not permitted to be included in an Order from that unit match capacity allocation. Accordingly, the Order would rejected or canceled back to the sender by the CFE System.

In other more limited situations, there may be invalid information included in an Order message submitted by a TPH which triggers the match capacity allocation through which the Order was submitted to be disconnected by the CFE System. For example, if a TPH submits an Order with a message type that is not a documented message type for CFE, the match capacity allocation through which the Order was submitted would be disconnected. Disconnecting a match capacity allocation in these situations allows the TPH to ascertain why an invalid message was submitted before the TPH reconnects the match capacity allocation and recommences sending Orders through the match capacity allocation.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections

[6] 15 U.S.C. 78f(b).

6(b)(1)[7] and 6(b)(5)[8] in particular in that it is designed:

- To enable the Exchange to enforce compliance by its TPHs and persons associated with its TPHs with the provisions of the rules of the Exchange,
- to prevent fraudulent and manipulative acts and practices,
- to promote just and equitable principles of trade,
- to foster cooperation and coordination with persons engaged in facilitating transactions in securities,
- to remove impediments to and perfect the mechanism of a free and open market and a national market system,
- and in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change serves to strengthen CFE's ability to carry out its responsibilities as a self-regulatory organization. First, the proposed rule change provides guidance to TPHs regarding the type of information that must be included within Cancel Orders and Cancel Replace/Modify Orders. Second, the proposed rule change contributes to enhancing the effectiveness of CFE's audit trail program by helping to assure that required information is included within Cancel Orders and Cancel Replace/Modify Orders and that single Orders, Bulk Messages, and Quotes without required information or with non-permitted information are not accepted by the CFE System. Third, the proposed rule change furthers CFE's ability to enforce compliance with CFE rules since the Exchange plans to utilize this audit trail information in connection with its surveillance of CFE's market and in connection with reviewing trading activity on CFE's market for rule compliance. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory in that the rule amendments included in the proposed rule change would apply equally to all TPHs.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on inter-market competition not necessary or appropriate in furtherance of the purposes of the Act, in that the proposed rule change will enhance CFE's ability to carry out its responsibilities as a self-regulatory organization. The Exchange believes that the proposed rule change will not impose any undue burden on intra-market competition because the rule amendments included in the proposed rule change would apply equally to all TPHs.

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 proposed rule change will become operative on March 15, 2021. At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[9]

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–CFE–2021–004 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–CFE–2021–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CFE–2021–004, and should be submitted on or before April 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05555 Filed 3–17–21; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78f(b)(1).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(1).

[10] 17 CFR 200.30–3(a)(73).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 17, 2021.

ADDRESSES: Send all comments to Cynthia Pitts, Director, Disaster Administrative Services, Office of Disaster Assistance, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Cynthia Pitts, Director, Disaster Administrative Services, Disaster Assistance, *cynthia.pitts@sba.gov* 202–205–7570, or Curtis B. Rich,

Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Application for benefits (loan) used to determine eligibility and credit worthiness of small businesses or not for profit organization who seek Federal assistance in a declared disaster. Respondents are disaster victims seeking disaster assistance.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

PRA 3245–0018

(1) *Title:* Disaster Business Loan Application.

Description of Respondents: Disaster victims seeking disaster assistance.

Form Number: SBA Form 5.

Total Estimated Annual Responses: 2,970.

Total Estimated Annual Hour Burden: 6,295.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–05636 Filed 3–17–21; 8:45 am]

BILLING CODE 8026–03–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 12, 2021, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 12, 2021, from Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: March 12, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238–0423, ext. 1312, fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission website at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Ratification/approval of contracts/grants; (2) requested approval to release a proposed rulemaking for public comment; (3) adopted a resolution designating the Executive Director as an authorized agent regarding a grant with PEMA; and (4) Regulatory Program projects.

Project Applications Approved

1. Project Sponsor and Facility: Hastings Municipal Authority, Elder Township, Cambria County, Pa. Application for groundwater withdrawal of up to 0.260 mgd (30-day average) from Mine Spring Well 1.

2. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 3 (Docket No. 19910705).

3. Project Sponsor and Facility: Renovo Energy Center LLC, Renovo Borough, Clinton County, Pa. Modification to extend the project commencement date of the approval (Docket No. 20160608).

4. Project Sponsor and Facility: Village of Sidney, Town of Sidney, Delaware County, N.Y. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2–88.

5. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, Pa. Application for renewal of groundwater withdrawal of up to 0.168 mgd (30-day average) from the Schooley Well (Docket No. 19881103).

6. Project Sponsor and Facility: Upstate Niagara Cooperative, Inc., Town of Campbell, Steuben County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.510 mgd from Well 1 and renewal of up to 1.100 mgd from Well 4 (Docket No. 19950904).

Commission Initiated Project Approval Modification

7. Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, Pa. Conforming the grandfathered amount with the forthcoming determination for consumptive use of up to 0.049 mgd (30-day average) (Docket No. 20030809).

Project Applications Tabled

8. Project Sponsor and Facility: Beech Resources, LLC (Lycoming Creek), Lycoming Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

9. Project Sponsor and Facility: Geneva Farm Golf Course, Inc., Dublin District, Harford County, Md. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 19910104).

10. Project Sponsor and Facility: Greenfield Township Municipal Authority, Greenfield Township, Blair County, Pa. Application for groundwater withdrawal of up to 0.499 mgd (30-day average) from Well PW–4.

11. Project Sponsor: Weaverland Valley Authority. Project Facility: Blue Ball Water System, East Earl Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Well 4.

(Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808)

Dated: March 15, 2021.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–05611 Filed 3–17–21; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: February 1–28, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, subpart E:

1. Blossburg Municipal Authority—Public Water Supply System, GF Certificate No. GF–202102155, Bloss Township, Tioga County, Pa.; Bellman Run; Issue Date: February 23, 2021.

2. Elizabethville Area Authority—Public Water Supply System, GF Certificate No. GF–202102156, Washington Township, Dauphin County, Pa.; Lentz and Loyalton Wells; Issue Date: February 23, 2021.

Dated: March 15, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–05607 Filed 3–17–21; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: January 1–31, 2021

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22 (e) and 18 CFR 806.22 (f) for the time period specified above:

Water Source Approval—Issued Under 18 CFR 806.22(f)

1. Frontier Natural Resources, Inc.; Pad ID: Winner 6 Well Pad; ABR–201110026.R1; East Keating Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 8, 2021.

2. Pin Oak Energy Partners, LLC; Pad ID: Wolfinger Pad A—Beechwood; ABR–202101002; St. Mary's City, Elk County; and Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 8, 2021.

3. Cabot Oil & Gas Corporation; Pad ID: MerrittM P1; ABR–202101001; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 18, 2021.

4. Seneca Resources Company, LLC; Pad ID: Gamble Pad I; ABR–201511002.R1; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

5. Seneca Resources Company, LLC; Pad ID: Seymour 599; ABR–201009063.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

6. Seneca Resources Company, LLC; Pad ID: Martin 710; ABR–201009089.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

7. Seneca Resources Company, LLC; Pad ID: SSHC Pad A; ABR–201009055.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

8. Rockdale Marcellus, LLC; Pad ID: Ingalls 710; ABR–201009080.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: January 18, 2021.

9. Cabot Oil & Gas Corporation; Pad ID: DerianchoF P1; ABR–201011055.R2; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: Janauary18, 2021.

10. XTO Energy, Inc.; Pad ID: PA TRACT 8546H; ABR–201010070.R2; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

11. Seneca Resources Company, LLC; Pad ID: Thomas 503; ABR–201007050.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

12. Chief Oil & Gas, LLC; Pad ID: Dacheux Drilling Pad #1; ABR–201101014.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2021.

13. Seneca Resources Company, LLC; Pad ID: Smith 589; ABR–201009088.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

14. ARD Operating, LLC; Pad ID: Harry W Stryker Pad A; ABR–201011044.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

15. Cabot Oil & Gas Corporation; Pad ID: Ely P2; ABR–20080722.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2021.

16. Repsol Oil & Gas USA, LLC; Pad ID: WHEATON (05 223) W; ABR–201011072.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2021.

17. Repsol Oil & Gas USA, LLC; Pad ID: PECK HILL FARM (05 180); ABR–201011056.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2021.

18. Seneca Resources Company, LLC; Pad ID: Shaw Trust 500; ABR–201011070.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

19. Seneca Resources Company, LLC; Pad ID: Signor 583; ABR–201011059.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

20. Seneca Resources Company, LLC; Pad ID: Torpy & Van Order Inc. 574; ABR–201011043.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

21. Range Resources—Appalachia, LLC; Pad ID: Red Bend Hunting & Fishing Club Unit #3H–#5H Drilling Pad; ABR–201011067.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2021.

22. Seneca Resources Company, LLC; Pad ID: Brewer 258; ABR–201012013.R2; Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 24, 2021.

23. Range Resources—Appalachia, LLC; Pad ID: Fuller, Eugene Unit #1H–#3H Drilling Pad; ABR–201012004.R2; Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 24, 2021.

24. VEC Energy, LLC; Pad ID: Sylvester 1H; ABR–20100155.R1; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.

25. VEC Energy, LLC; Pad ID: NorthFork 1H; ABR–20100158.R1; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.

26. VEC Energy, LLC; Pad ID: Austinburg 1H; ABR–20100313.R1; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.

27. Pennsylvania General Energy Company, L.L.C.; Pad ID: Reed Run Norwich Pad D; ABR–201012028.R2; Norwich Township, McKean County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: January 29, 2021.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Kinnarney; ABR–201012030.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 29, 2021.

29. Chesapeake Appalachia, L.L.C.; Pad ID: Norconk; ABR–201012023.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 29, 2021.

30. XPR Resources, LLC; Pad ID: Resource Recovery Well Pad 3; ABR–201010060.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

31. XPR Resources, LLC; Pad ID: Resource Recovery Well Pad 2; ABR–201011012.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

32. Repsol Oil & Gas USA, LLC; Pad ID: SLOVAK (05 202) M; ABR–201012031.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 29, 2021.

33. Seneca Resources Company, LLC; Pad ID: Vanvliet 614; ABR–201012044.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

34. Seneca Resources Company, LLC; Pad ID: Swingle 591; ABR–201012018.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

35. Cabot Oil & Gas Corporation; Pad ID: AbbottD P2; ABR–201512003.R1;

Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.

36. Cabot Oil & Gas Corporation; Pad ID: HowellG P1; ABR–201512004.R1; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.

37. Cabot Oil & Gas Corporation; Pad ID: Jeffers Farm P5; ABR–201512005.R1; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.

38. Seneca Resources Company, LLC; Pad ID: Harsell 883; ABR–201007066.R2; Nelson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 31, 2021.

39. Range Resources—Appalachia, LLC; Pad ID: Lone Walnut Hunting Club; ABR–201007031.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 31, 2021.

40. Range Resources—Appalachia, LLC; Pad ID: Winner Unit #2H–#5H Drilling Pad; ABR–201012050.R2; Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 31, 2021.

41. Chesapeake Appalachia, L.L.C.; Pad ID: Aukema; ABR–201101013.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

42. Chesapeake Appalachia, L.L.C.; Pad ID: Beech Flats; ABR–201101012.R2; West Branch Township, Potter County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

43. Chesapeake Appalachia, L.L.C.; Pad ID: Bo; ABR–201101016.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

44. Chesapeake Appalachia, L.L.C.; Pad ID: Meng; ABR–201101005.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

45. Chesapeake Appalachia, L.L.C.; Pad ID: Rocks; ABR–201101003.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

46. Chesapeake Appalachia, L.L.C.; Pad ID: Struble; ABR–201101017.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

47. Chesapeake Appalachia, L.L.C.; Pad ID: Wasyl; ABR–201101002.R2; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 15, 2021.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–05608 Filed 3–17–21; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: February 1–28, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 18 CFR 806.22(f) for the time period specified above:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. SWN Production Company, LLC; Pad ID: RU–75–SGL A PAD; ABR–202102001; Great Bend and New Milford Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 18, 2021.

2. Seneca Resources Company, LLC; Pad ID: Gee 848W; ABR–201508005.R1; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 18, 2021.

3. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad C; ABR–201102007.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 18, 2021.

4. Chesapeake Appalachia, L.L.C.; Pad ID: VRGC; ABR–201101022.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

5. Repsol Oil & Gas USA, LLC; Pad ID: MILLER (05 056) F; ABR–201010008.R2; Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2021.

6. Chesapeake Appalachia, L.L.C.; Pad ID: Walker; ABR–201101030.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

7. Chesapeake Appalachia, L.L.C.; Pad ID: Cuthbertson; ABR–201102001.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

8. Chesapeake Appalachia, L.L.C.; Pad ID: Jokah; ABR–201102005.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

9. Rockdale Marcellus, LLC; Pad ID: Groff 720; ABR–201012017.R2; Canton Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 18, 2021.

10. Repsol Oil & Gas USA, LLC; Pad ID: UHOUSE (05 081) D; ABR–201102008.R2; Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2021.

11. SWN Production Company, LLC; Pad ID: TI–22 Fall Creek A—Pad; ABR–201511008.R1; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 18, 2021.

12. SWN Production Company, LLC; Pad ID: WY 09 OTTEN PAD; ABR–201512002.R1; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 22, 2021.

13. SWN Production Company, LLC; Pad ID: PU–AA Gerfin Price Pad; ABR–201102022.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 22, 2021.

14. SWN Production Company, LLC; Pad ID: RU–74 TRETTER PAD; ABR–201601005.R2; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 22, 2021.

15. S.T.L. Resources, LLC; Pad ID: Sturgis South; ABR–202002004; Grugan and Gallagher Townships, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 24, 2021.

16. Chesapeake Appalachia, L.L.C.; Pad ID: Herr; ABR–201102026.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 24, 2021.

17. Diversified Production, LLC; Pad ID: Longhorn C–1 (WDV1); ABR–201011061.R2; Jay Township, Elk County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: February 24, 2021.

18. SWN Production Company, LLC; Pad ID: Longacre Pad; ABR–201101029.R2; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 24, 2021.

19. Repsol Oil & Gas USA, LLC; Pad ID: Red Tailed Hawk; ABR–201011027.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 25, 2021.

20. Chesapeake Appalachia, L.L.C.; Pad ID: DJ; ABR–201101021.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

21. Chesapeake Appalachia, L.L.C.; Pad ID: Corl; ABR–201102011.R2; Colley Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

22. Chesapeake Appalachia, L.L.C.; Pad ID: Harnish; ABR–201102006.R2; Sheshequin Township, Bradford County, Pa.;

Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Bustin Homestead; ABR–201101025.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Beeman; ABR–201101028.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 26, 2021.

25. Repsol Oil & Gas USA, LLC; Pad ID: PECK HILL FARM (05 178); ABR–201101019.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 26, 2021.

26. Chief Oil & Gas, LLC; Pad ID: Garrison Drilling Pad #1; ABR–201102032.R2; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 26, 2021.

27. Seneca Resources Company, LLC; Pad ID: Stanley 1106; ABR–201102015.R2; Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 26, 2021.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 15, 2021.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–05610 Filed 3–17–21; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of a Final Environmental Impact Statement (EIS) for the Proposed LaGuardia Access Improvement Project at LaGuardia Airport (LGA), New York City, Queens County, New York

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability of a Final Environmental Impact Statement.

SUMMARY: The FAA is issuing this notice under the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended, to announce the availability of the Final Environmental Impact Statement (EIS) for the proposed LaGuardia Airport (LGA) Access Improvement Project and its connected actions (the Proposed Action). The Proposed Action would provide direct access between LGA and the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) Mets-Willets Point Station and the New York City Transit (NYCT) 7 Line Mets-Willets Point Station. FAA is the lead federal agency in the preparation of the EIS, with cooperating agencies including National Park Service (U.S. Department of the Interior); U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; New York State Department of Environmental Conservation; New York State Department of Transportation; and New York State Office of Parks, Recreation and Historic Preservation. The Final EIS was prepared to disclose the potential environmental impacts resulting from the Proposed Action, including real property transactions under the New York State Eminent Domain Procedures Law. The Final EIS is available for download on the project website at *https://www.lgaaccesseis.com.*

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Brooks, Environmental Program Manager, Eastern Regional Office, AEA–610, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, NY 11434. Telephone: 718–553–2511.

SUPPLEMENTARY INFORMATION: This notice continues the EIS process announced in the Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Initiate Section 106 Consultation for the Proposed LaGuardia Access Improvement Project at LaGuardia Airport (LGA), New York City, Queens County, New York, 84 FR 19151, May 3, 2019, follows meetings associated with the EIS announced in the Notice of Public Information Sessions on Alternatives Analysis for the Proposed LaGuardia Airport Access Improvement Project at LaGuardia Airport (LGA), New York City, Queens County, New York, 84 FR 66438, December 4, 2019, and follows release of the Draft EIS, which was made available for agency and public review as announced in the Notice of Availability of a Draft Environmental Impact Statement (EIS) and Notice of Public Workshops and Hearings for the Proposed LaGuardia Access Improvement Project at LaGuardia Airport (LGA), New York City, Queens County, New York 85 FR 51142, August 19, 2020.

This EIS was prepared in response to a proposal presented by the Port Authority of New York and New Jersey (Port Authority). The Port Authority operates LGA under a lease agreement with the City of New York. FAA must decide whether to approve, pursuant to 49 U.S.C. 47106 and 47107 relating to the eligibility of the Proposed Action for federal funding under the Airport Improvement Program (AIP) and/or under 49 U.S.C. 40117, as implemented by 14 CFR 158.25, to impose and use passenger facility charge (PFC) revenue collected for the Proposed Action to assist with construction of potentially eligible development items shown on the Airport Layout Plan (ALP). FAA approval of the eligibility for federal funding under AIP or to impose and use PFCs is a Federal action that must comply with NEPA requirements. The Port has indicated it intends to submit an application to impose and use PFCs, and this EIS was prepared in order to inform the environmental determinations required as part of such an application. FAA, as lead federal agency, invited the U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; New York State Department of Environmental Conservation; New York State Department of Transportation; and New York State Office of Parks, Recreation and Historic Preservation to participate as cooperating agencies, as described under 40 CFR 1501.6(a)(1), and the agencies accepted. Subsequent to release of the Draft EIS, the National Park Service (U.S. Department of the Interior) requested to become a cooperating agency, and FAA accepted this request.

The Final EIS presents the purpose and need for the Proposed Action, analysis of reasonable alternatives, discussion of impacts for each reasonable alternative, comments received on the Draft EIS, responses to comments received on the Draft EIS, and supporting appendices. The Proposed Action includes:

- Construction of an above ground fixed guideway automated people mover (APM) system approximately 2.3 miles in length that extends from the LGA Central Hall Building under construction to the Mets-Willets Point LIRR and NYC Transit 7 Line Stations;
- construction of two on-Airport APM stations (Central Hall APM Station and East APM Station) and one off-Airport APM station at Willets Point (Willets Point APM Station) that provides connections to the Mets-Willets Point LIRR and 7 Line stations;
- construction of passenger walkway systems to connect the APM stations to the passenger terminals, parking garages, and ground transportation facilities;
- construction of a multi-level APM operations, maintenance, and storage facility (OMSF) that includes up to 1,000 parking spaces (500 for airport employees, 250 for MTA employees, 50 for APM employees, and 200 for replacement Citi Field parking);
- construction of three traction power substations to provide power to the APM guideway: One located at the on-Airport East Station, another at-grade

west of the proposed Willets Point Station just south of Roosevelt Avenue, and the third at the OMSF;

- construction of a 27kV main substation located adjacent to the OMSF structure on MTA property;
- construction of utilities infrastructure, both new and modified, as needed, to support the Proposed Action, including a permanent stormwater outfall into Flushing Creek and a temporary stormwater outfall into Flushing Creek; and
- acquisition of temporary and permanent easements; no private property would be acquired.

The Proposed Action also includes various connected actions, including: Utility relocation and demolition of certain existing facilities; a temporary MTA bus storage/parking facility; relocation of up to 200 Citi Field parking spaces; demolition and replacement of the Passerelle Bridge; temporary walkway to maintain access between the transit stations and Flushing Meadows-Corona Park; modifications to the Mets-Willets Point LIRR Station, including new shuttle service on the LIRR Port Washington Line; and the relocation of several World's Fair Marina facilities, including a boat lift, finger piers and connected timber floating dock, Marina office and boatyard facility, boat storage and parking, and operations shed.

FAA provides the following notices:

- Pursuant to 36 CFR 800.8(c) that it used the NEPA process to notify the public of FAA's finding that the proposed undertaking would adversely affect properties listed or eligible for listing on the National Register of Historic Places. An executed Memorandum of Agreement to resolve adverse effects to historic properties is included in Appendix K.13 of the Final EIS.
- Pursuant to Section 4(f) of the DOT Act and Section 6(f) of the Land and Water Conservation Fund (LWCF) Act, FAA has prepared a Final Section 4(f) and Section 6(f) Evaluation (see Appendix I of the Final EIS). The Proposed Action would have a significant impact on Section 4(f) resources and would require the conversion of approximately 0.5 acres of LWCF-obligated property, and a temporary non-conforming use of approximately 1.2 acres of LWCF-obligated property. These impacts and proposed mitigation are disclosed in Chapter 3.8 and Appendix I of the Final EIS.
- Pursuant to DOT Order 5610.2(b), DOT Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, the Proposed Action would have a significant impact on minority environmental justice populations. These impacts and proposed mitigation are disclosed in Chapter 3.14 of the Final EIS.
- Pursuant to Executive Order 11990, Protection of Wetlands, that the Proposed Action would temporarily affect less than 1 acre of jurisdictional wetlands in Flushing Creek and less than 1 acre of temporary and permanent impacts in Flushing Bay. Impacts to these aquatic resources and proposed mitigation are disclosed in Chapter 3.16 of the Final EIS.
- Pursuant to Executive Order 11988, Floodplain Management that the Proposed Action would not result in a significant encroachment on floodplains. Impacts to floodplains are disclosed in Chapter 3.16 of the Final EIS.

Following a 30-day wait period, FAA may issue Record of Decision pursuant to 40 CFR 1503.4(c) [Council of Environmental Quality regulations] and FAA Orders 1050.1F and 5050.4B. FAA and the National Park Service (U.S. Department of Interior) may prepare a joint Record of Decision.

Issued in Jamaica, New York, March 12, 2021.

Evelyn Martinez,

Manager, New York Airports District Office, Airports Division, Eastern Region.

[FR Doc. 2021–05576 Filed 3–17–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the new collection, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), proposed by the Agency.

DATES: Written comments should be received on or before May 17, 2021 to be assured of consideration.

ADDRESSES: Submit comments identified by Information Collection 1530–NEW, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments to *https://www.regulations.gov,* will be posted to the docket unchanged.
- *Mail:* Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Submit requests for additional information, including requests for copies of the collection instrument and supporting documents to Amber Chaudhry, Customer Experience Strategist, *amber.chaudhry@fiscal.treasury.gov;* 202–657–9722, or Bruce A. Sharp, Bureau Clearance Officer, *bruce.sharp@fiscal.treasury.gov;* 304–480–8112.

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Number: 1530–NEW.

Type of Review: New.

Description: A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for Bureau of the Fiscal Service leadership. To support this, OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: Conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means,

including but not limited to electronic or social media, direct or indirect observation (*i.e.,* in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. Bureau of the Fiscal Service will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on *performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The Bureau will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. The Bureau may also utilize observational techniques to collect this information.

Affected Public: Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, ''customers'' are individuals, businesses, and organizations that interact with a Bureau of the Fiscal Service or program, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for profit institutions; State, local or tribal governments; Federal government; and Universities.

Estimated Number of Respondents: 2,001,550.

Estimated Time per Respondent: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 1.5 hours to participate in an interview.

Estimated Total Annual Burden Hours: 101,125.

Estimated Total Annual Cost to Public: $0.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 12, 2021.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2021–05542 Filed 3–17–21; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Privacy Act of 1974; Matching Program

AGENCY: Bureau of the Fiscal Service, Department of the Treasury.

ACTION: Notice of a new matching program.

SUMMARY: Pursuant to section 552a(e)(12) of the Privacy Act of 1974, as amended, the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, and the Payment Integrity Information Act of 2019, notice is hereby given of the conduct of the a Computer Matching Program pertaining to the Do Not Pay Working System's support of the Small Business Administration's (SBA) COVID–19 response programs, including the Paycheck Protection Program, Economic Injury Disaster Loan (EIDL) program, Targeted EIDL Advances, and the Shuttered Venue Operators Grant (SVOG) Program (collectively the ''SBA Programs''). This matching program will provide SBA with information that will help it identify potentially improper payments in the SBA Programs.

DATES: Comments on this matching notice must be received no later than 30 days after date of publication in the **Federal Register**. If no public comments are received during the period allowed for comment, the matching program will be effective April 19, 2021, provided it is a minimum of 30 days after the publication date.

Beginning date: The matches are conducted on an ongoing basis, beginning no earlier than the matching program effective date above.

ADDRESSES: David J. Ambrose, Chief Security Officer/Chief Privacy Officer, Bureau of the Fiscal Service, 3201 Pennsy Drive, Warehouse ''E'', Landover, MD 20785.

FOR FURTHER INFORMATION CONTACT: David J. Ambrose, Chief Security Officer/Chief Privacy Officer, Bureau of the Fiscal Service, 202–874–6488.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 101–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. Moreover, the Payment Integrity Information Act of 2019, (31 U.S.C. 3351 *et seq.*) (PIIA), provides the head of the agency operating the Do Not Pay Working System with the authority to waive the requirements in 5 U.S.C. 552a(o), after consultation with the Office of Management and Budget, for matching programs conducted under the Do Not Pay Initiative (31 U.S.C. 3354). This Notice provides the public with information regarding a matching program pertaining to the Do Not Pay Working System's support of SBA Programs that has been granted a waiver, pursuant to PIIA, from the Matching Agreement requirements in the Privacy Act.

Participating Agencies

Name of Recipient Agency: Bureau of the Fiscal Service, U.S. Department of the Treasury. The SBA is the only other federal agency expected to participate in this matching program.

Authority for Conducting the Matching Program

In accordance with 31 U.S.C. 3354, executive agencies are required to ''review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award

eligibility and prevent improper payments before the release of any Federal funds.'' 31 U.S.C. 3354(a)(1).

Purpose(s)

The purpose of this program is to assist SBA in the identification of potentially improper payments. Information is disclosed pursuant to this matching program only for the purpose of, and to the extent necessary in, assisting SBA in its determination with respect to an applicant for assistance under the SBA Programs.

Categories of Individuals

Individuals applying for or receiving benefits under the SBA Programs.

Categories of Records

The source agency, SBA, will furnish information to the Do Not Pay Working System regarding SBA Program applicants or benefit recipients. The requests from the SBA may include: The applicant or benefit recipient's name (which may include their individual name and/or trading names, if applicable), Taxpayer Identification Number (TIN), type of TIN, DUNS number, address, date of birth, sex, telephone number(s), email address(es), payment information, associated banking information, and associated payment/transaction information. Fiscal Service will provide a response record for each individual identified by the source agency. When there is a match between a record provided by the source agency and one or more of the databases contained in the Do Not Pay Working System, the Do Not Pay Working System will disclose to the source agency the presence of a potentially matching record in the Do Not Pay Working System and the database(s) that contain the potentially matching record(s).

System(s) of Records

SBA's records are contained in SBA system of records 21 (Loan System). Fiscal Service's records are contained in Fiscal Service system of records Treasury/Fiscal Service .017—Do Not Pay Payment Verification Records, which was last published at 85 FR 11776 (Feb. 27, 2020).

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

[FR Doc. 2021–05254 Filed 3–17–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0222]

Agency Information Collection Activity: Claim for Standard Government Headstone or Marker and Claim for Government Medallion for Placement in Private Cemetery

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The National Cemetery Administration (NCA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 17, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Legislative and Regulatory Services (42E), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *NCA42EACTION@va.gov.* Please refer to ''OMB Control No. 2900–0222'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0222'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, NCA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of NCA's functions, including whether the information will have practical utility; (2) the accuracy of NCA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: VA Form 40–1330, Claim for Standard Government Headstone or Marker, and VA Form 40–1330M, Claim for Government Medallion for Placement in a Private Cemetery.

OMB Control Number: 2900–0222.

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: The National Cemetery Administration (NCA) updated its current VA Form 40–1330 and VA Form 40–1330M. The original VA Form 40–1330 and 40–1330M is a request for a Government-furnished headstone or marker, or medallion, respectively. The updates include the following:

- Information about the Presidential Memorial Certificate (PMC) Program and the option to receive a PMC in addition to the headstone, marker or medallion, consistent with 38 U.S.C. 112.
- Changes in eligibility for a medallion, consistent with 38 U.S.C. 2306(d)(4)(A).
- Addition of race, ethnicity, gender identify, and age demographic information for VA's statistical purposes (see item 11), consistent with Public Law 103–446, Section 509, Center for Minority Veterans and Center for Women Veterans.
- Addition of new emblems of belief consistent with 38 U.S.C. 2306(c) and 38 CFR 38.630(b) and 38.632(b)(2).
- Update parenthetical in Block 12 to (OPTIONAL, BUT IF INCLUDED, NO PAY GRADES)
- Update parenthetical in Block 14 to (OPTIONAL, BUT IF INCLUDED PROVIDE DOCUMENTATION)
- Update parenthetical in Block 16 to (OPTIONAL, BUT IF PROVIDED CHECK ALL APPLICABLE BOXES)
- Addition of statement in the Transportation and Delivery of Marker section for consignee to inspect the headstone or marker for accuracy prior to installation.
- Addition of information and picture of new small flat granite marker, consistent with 38 U.S.C. 2306(c) and 38 CFR 38.630(a).

Upon appropriate approval, the VA website will display the updated

version of the VA Form 40–1330 and VA Form 1330M for public use.

Affected Public: Individuals and households.

Estimated Annual Burden: 41,534 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 166,135.

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. 2021–05545 Filed 3–17–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0067]

Agency Information Collection Activity: Application for Automobile or Other Conveyance and Adaptive Equipment

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 17, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0067'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0067'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 3901–3904.

Title: Application for Automobile or Other Conveyance and Adaptive Equipment (Under 38 U.S.C. 3901–3904) (VA Form 21–4502).

OMB Control Number: 2900–0067.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4502 is used by veterans and servicepersons to apply for automobile and adaptive equipment benefits. Without the information solicited by this form, VA would be unable to determine eligibility, and benefits would not be properly paid.

No substantive changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past two years.

Affected Public: Individuals and households.

Estimated Annual Burden: 411 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 1,645.

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. 2021–05566 Filed 3–17–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of State

22 CFR Part 126
International Traffic in Arms Regulations: Addition of Russia and Determinations Regarding Use of Chemical Weapons by Russia Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; Final Rule and Notice

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice 11294]

RIN 1400–AF19

International Traffic in Arms Regulations: Addition of Russia

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to include Russia in the list of enumerated countries with respect to which it is the policy of the United States to deny licenses and other approvals for exports and/or imports of defense articles and defense services, except as otherwise provided. This action reflects a policy determination made by the Secretary of State.

DATES: The rule is effective on March 18, 2021.

FOR FURTHER INFORMATION CONTACT: Director, Response Team, Directorate of Defense Trade Controls, U.S. Department of State, telephone (202) 663–1282, or email *DDTCCustomerService@state.gov.* ATTN: Regulatory Change, ITAR § 126.1 Russia.

SUPPLEMENTARY INFORMATION: On March 1, 2021, the Secretary of State determined pursuant to Section 306(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (''CBW Act'') that the Government of Russia used chemical weapons in violation of international law or lethal chemical weapons against its own nationals. Pursuant to this determination, the Department of State published **Federal Register** Notice ''Determination Regarding Use of Chemical Weapons by Russia Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991'' on March 18, 2021. In order to take additional steps to address such use of chemical weapons, the Department is amending ITAR § 126.1(d)(2) to include Russia in the list of countries subject to a policy of denial for exports of defense articles and defense services. An exception is being made to allow for case-by-case review of exports to Russia that support government space cooperation. In addition, an exception, valid for six months from the date of the Secretary of State's determination, is being made to allow for case-by-case review of exports to Russia when in support of commercial space launches. Further, the Department is amending ITAR § 126.1(a) to allow exporters to use the exemptions provided in ITAR § 126.4(a)(2) and (b)(2) for exports to Russia when in furtherance of government space cooperation.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA), pursuant to 5 U.S.C. 553(a)(1). Since the Department is of the opinion that this rule is exempt from 5 U.S.C 553, it is the view of the Department that the provisions of Section 553(d) do not apply to this rulemaking.

Regulatory Flexibility Act

Since this rule is exempt from the notice-and-comment provisions of 5 U.S.C. 553(b), it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Department does not believe this rulemaking is a major rule within the definition of 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this proposed amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). Because the scope of this rule implements a governmental policy limiting defense trade with a country, and does not impose additional regulatory requirements or obligations, the Department believes costs associated with this rule will be minimal. This rule has not been designated a ''significant regulatory action'' by the Office and Information and Regulatory Affairs under Executive Order 12866.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, Executive Order 13175 does not apply to this rulemaking.

Paperwork Reduction Act

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. chapter 35.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

For the reasons set forth above, title 22, chapter I, subchapter M, part 126 is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: 22 U.S.C. 2752, 2778, 2780, 2791, and 2797; 22 U.S.C. 2651a; 22 U.S.C. 287c; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Sections 7045 and 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.1 is amended by revising the second sentence in paragraph (a), revising the table in paragraph (d)(2), and adding paragraph (l) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(a) * * * The exemptions provided in this subchapter, except §§ 123.17, 126.4(a)(1) or (3) and (b)(1), and 126.4(a)(2) or (b)(2) when the export is destined for Russia and in support of government space cooperation, and § 126.6, or when the recipient is a U.S. government department or agency, do not apply with respect to defense articles or defense services originating in or for export to any proscribed countries, areas, or persons. * * *

(d) * * *

(2) * * *

Country	Country specific paragraph location
Afghanistan	See also paragraph (g) of this section.
Central African Republic	See also paragraph (u) of this section.
Cyprus	See also paragraph (r) of this section.
Democratic Republic of Congo	See also paragraph (i) of this section.
Eritrea	See also paragraph (h) of this section.
Haiti	See also paragraph (j) of this section.
Iraq	See also paragraph (f) of this section.
Lebanon	See also paragraph (t) of this section.
Libya	See also paragraph (k) of this section.
Russia	See also paragraph (l) of this section.
Somalia	See also paragraph (m) of this section.
South Sudan	See also paragraph (w) of this section.
Sudan	See also paragraph (v) of this section.
Zimbabwe	See also paragraph (s) of this section.

* * * * *

(l) *Russia.* It is the policy of the United States to deny licenses or other approvals for exports of defense articles and defense services destined for Russia, except that a license or other approval may be issued, on a case-by-case basis:

(1) For government space cooperation; and

(2) Prior to September 1, 2021, for commercial space launches.

* * * * *

Zachary A. Parker,

Director, Office of Directives Management, Department of State.

[FR Doc. 2021–05530 Filed 3–17–21; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11374]

Determinations Regarding Use of Chemical Weapons by Russia Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice of sanctions.

SUMMARY: The Secretary of State, acting under authority delegated pursuant to Executive Order 12851, has determined pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, that the Government of the Russian Federation has used chemical or biological weapons in violation of international law or lethal chemical or biological weapons against its own nationals. In addition, the Secretary of State has determined and certified to Congress that it is essential to the national security interests of the United States to partially waive the application of the sanctions required under the Act with respect to foreign assistance, licenses for the export of items on the U.S. Munitions List (USML), and the licensing of national security-sensitive goods and technology. This document is a notice of the sanctions to be imposed pursuant to the Act, subject to these waivers.

DATES: These sanctions are effective on March 18, 2021.

FOR FURTHER INFORMATION CONTACT: Pamela K. Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930.

SUPPLEMENTARY INFORMATION: Pursuant to sections 306(a), 307(a), and 307(d) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5604(a), 5605(a), and 5605(d)), on March 1, 2021 the Secretary of State determined that the Government of the Russian Federation has used chemical or biological weapons in violation of international law or lethal chemical or biological weapons against its own nationals. As a result, the following sanctions are hereby imposed:

1. *Foreign Assistance:* Termination of assistance to Russia under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

The Secretary of State has determined that it is essential to the national security interests of the United States to waive the application of this restriction.

2. *Arms Sales:* Termination of (a) sales to Russia under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and (b) licenses for the export to Russia of any item on the United States Munitions List.

The Secretary of State has determined that it is essential to the national security interests of the United States to waive the application of this sanction with respect to the issuance of licenses in support of government space cooperation, provided that such licenses shall be issued on a case-by-case basis and consistent with export licensing policy for Russia prior to the date of the determination.

The Secretary of State has further determined that it is essential to the national security interests of the United States to waive the application of this sanction with respect to the issuance of licenses in support of commercial space launches, provided that prior to September 1 2021, such licenses shall be issued on a case-by-case basis and consistent with export licensing policy for Russia prior to the date of the determination, and provided further that after September 1, 2021, such licenses shall be reviewed on a case-by-case basis, and subject to a policy of denial.

3. *Arms Sales Financing:* Termination of all foreign military financing for Russia under the Arms Export Control Act.

4. *Denial of United States Government Credit or Other Financial Assistance:* Denial to Russia of any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

5. *Exports of National Security-Sensitive Goods and Technology:* Prohibition on the export to Russia of any goods or technology on that part of the control list established under 50 U.S.C. 4813(a)(1).

The Secretary of State has determined that it is essential to the national security interests of the United States to waive the application of this sanction with respect to the following:

License Exceptions: Exports and reexports of goods or technology eligible under License Exceptions GOV, ENC, BAG, TMP, and AVS.

Safety of Flight: Exports and reexports of goods or technology pursuant to new licenses necessary for the safety of flight of civil fixed-wing passenger aviation, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Deemed Exports/Reexports: Exports and re-exports of goods or technology pursuant to new licenses for deemed exports and reexports to Russian nationals, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Wholly-Owned U.S. and Other Foreign Subsidiaries: Exports and reexports of goods or technology pursuant to new licenses for exports and reexports to wholly-owned U.S. and other foreign subsidiaries in Russia, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Government Space Cooperation: Exports and reexports of goods or technology pursuant to new licenses in support of government space cooperation, provided that such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Commercial Space Launches: Exports and reexports of goods or technology pursuant to new licenses in support of commercial space launches, provided that prior to September 1, 2021, such licenses shall be issued on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination, and provided further that after September 1, 2021, such licenses in support of commercial space launches will be reviewed subject to a ''presumption of denial'' policy.

Commercial End-Users: Exports and reexports of goods or technology pursuant to new licenses for commercial end-users civil end-uses in Russia, provided that such licenses will be reviewed subject to a ''presumption of denial'' policy.

SOEs/SFEs: Exports and reexports of goods or technology pursuant to new licenses for Russian state-owned or state-funded enterprises will be reviewed subject to a ''presumption of denial'' policy.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place

for at least one year and until further notice.

Zachary A. Parker,

Director, Office of Directives Management, Department of State.

[FR Doc. 2021–05527 Filed 3–17–21; 8:45 am]

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