

abutment that is equipped with a headgate and trashrack with 2-inch clear bar spacing; (4) a 26-foot-long, 22-foot-wide wood and steel powerhouse containing one 265-kilowatt vertical Flygt submersible turbine-generator unit; (5) a 400-foot-long, 20-foot-wide tailrace that discharges into the Cocheco River; (6) a generator lead, transformer, and transmission line that connect the project to the local utility distribution system; and (7) appurtenant facilities.

Watson Associates voluntarily operates the project in a run-of-river mode using an automatic pond level control system to regulate turbine operation, such that outflow from the project approximates inflow. The project creates an approximately 250-foot-long and a 400-foot-long bifurcated bypassed reaches of the Cocheco River.

Downstream fish passage is provided by a bypass pipe located on the left side of the dam. There is no upstream fish passage facility at the project.

The current license requires a minimum flow release of 83 cubic feet per second (cfs), or inflow to the impoundment, whichever is less from the dam to protect and enhance aquatic resources in the Cocheco River. The average annual generation of the project is approximately 1,100 megawatt-hours.

o. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document (P-6240). For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary)

October 2021

Request Additional Information

October 2021

Issue Scoping Document 1 for

comments January 2022

Issue Acceptance Letter February 2022  
Request Additional Information (if necessary) February 2022

Issue Scoping Document 2 March 2022  
Issue Notice of Ready for Environmental Analysis March 2022

q. 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: September 10, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021-20003 Filed 9-15-21; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21-14-000]

#### Adelphia Gateway, LLC; Notice of Revised Schedule for Environmental Review of the Marcus Hook Electric Compression Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental impact statement (EIS) for Adelphia Gateway, LLC's Marcus Hook Electric Compression Project. The *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Marcus Hook Electric Compression Project and Schedule for Environmental Review*, issued on May 27, 2021, identified September 10, 2021 as the final EIS issuance date. However, we are modifying this issuance date based on comments received on the draft EIS and based on Adelphia Gateway, LLC's supplemental information filed on August 25, 2021 to address comments.

#### Schedule for Environmental Review

Issuance of the final EIS—October 1, 2021

90-day Federal Authorization Decision Deadline—December 30, 2021

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

#### Additional Information

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by

automatically providing you with notification of these filings, document summaries, and direct links to the documents. 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](http://www.ferc.gov)). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" (i.e., CP21-14), 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](mailto: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. This notice is issued and published in accordance with 18 CFR 2.1.

Dated: September 10, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021-20002 Filed 9-15-21; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2020-0005; FRL-7611-02-OW]

### Final National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit for Point Source Discharges From the Application of Pesticides; Reissuance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final permit issuance.

**SUMMARY:** This notice announces issuance by all 10 Environmental Protection Agency (EPA) Regions of the final 2021 National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP)—the 2021 PGP. The 2021 PGP, which has an effective date of October 31, 2021, replaces the existing permit (2016 PGP) that expires at midnight on October 31, 2021, and authorizes certain point source discharges from the application of pesticides to waters of the United States in accordance with the terms and conditions described therein. EPA is issuing this permit for five (5) years in all areas of the country where EPA is the NPDES permitting authority.

**DATES:** The permit becomes effective on October 31, 2021, and will expire at

midnight, October 31, 2026. In accordance with 40 CFR part 23, this permit shall be considered issued for the purpose of judicial review on September 30, 2021. Under section 509(b) of the Clean Water Act (CWA), judicial review of this general permit can be requested by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued. Under section 509(b) of the CWA, the requirements of this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. Deadlines for submittal of a Notices of Intent (NOI) to be covered, if required, are provided in Part 1.2.3, Table 1–2 of the 2021 PGP.

**FOR FURTHER INFORMATION CONTACT:** For further information on the final permit, contact the appropriate EPA Regional office listed in Section I.D of this

document, email [PGP@epa.gov](mailto:PGP@epa.gov), or contact Chelsea Durant, EPA Headquarters, Office of Water, Office of Wastewater Management (4203M), 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–564–2290; email address: [durant.chelsea@epa.gov](mailto:durant.chelsea@epa.gov). Electronic versions of the 2021 PGP and Fact Sheet are also available on EPA’s NPDES website at <https://www.epa.gov/npdes/pesticide-permitting>.

**SUPPLEMENTARY INFORMATION:** This section is organized as follows:

**Table of Contents**

- I. General Information
  - A. Does this action apply to me?
  - B. How can I get copies of this document and other related information?
  - C. Geographic Coverage
  - D. Who are the EPA regional contacts for this final permit?
- II. Background
- III. Summary of the 2021 PGP
  - A. Summary of Updates to the 2016 PGP and From the Proposed 2021 PGP

- B. Summary of 2021 PGP Terms and Requirements
- C. 2021 PGP Cost Analysis and Future Cost-Benefit Considerations
- IV. Executive Orders 12866 and 13563
- V. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- VI. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

**I. General Information**

*A. Does this action apply to me?*

You may be affected by this action if you apply pesticides, under the use patterns in Part 1.1.1. of the 2021 PGP, that result in a discharge to waters of the United States in one of the geographic areas identified in Appendix C of the 2021 PGP. Potentially affected entities, as categorized in the North American Industry Classification System (NAICS), may include, but are not limited to:

TABLE 1—ENTITIES POTENTIALLY REGULATED BY THE 2021 PGP

Category	NAICS	Examples of potentially affected entities
Agricultural entities—General agricultural interests, farmers/producers, forestry, and irrigation.	111 Crop Production .....	Producers of crops mainly for food and fiber, including farms, orchards, groves, greenhouses, and nurseries that have irrigation ditches requiring pest control.
	113110 Timber Tract Operations	The operation of timber tracts for the purpose of selling standing timber.
	113210 Forest Nurseries Gathering of Forest Products.	Growing trees for reforestation and/or gathering forest products, such as gums, barks, balsam needles, rhizomes, fibers, Spanish moss, ginseng, and truffles.
	221310 Water Supply for Irrigation.	Operating irrigation systems.
	325320 Pesticide and Other Agricultural Chemical Manufacturing.	Formulation and preparation of agricultural pest control chemicals.
Pesticide parties (includes pesticide manufacturers, other pesticide users/interests, and consultants).	923120 Administration of Public Health Programs.	Government establishments primarily engaged in the planning, administration, and coordination of public health programs and services, including environmental health activities.
Public health parties (includes mosquito or other vector control districts and commercial applicators that service these).	924110 Administration of Air and Water Resource and Solid Waste Management Programs.	Government establishments primarily engaged in the administration, regulation, and enforcement of air and water resource programs; the administration and regulation of water and air pollution control and prevention programs; the administration and regulation of flood control programs; the administration and regulation of drainage development and water resource consumption programs; and coordination of these activities at intergovernmental levels.
	924120 Administration of Conservation Programs.	Government establishments primarily engaged in the administration, regulation, supervision and control of land use, including recreational areas; conservation and preservation of natural resources; erosion control; geological survey program administration; weather forecasting program administration; and the administration and protection of publicly and privately owned forest lands. Government establishments responsible for planning, management, regulation and conservation of game, fish, and wildlife populations, including wildlife management areas and field stations; and other administrative matters relating to the protection of fish, game, and wildlife are included in this industry.
Resource management parties (includes State departments of fish and wildlife, State departments of pesticide regulation, State environmental agencies, and universities).	221 Utilities .....	Provide electric power, natural gas, steam supply, water supply, and sewage removal through a permanent infrastructure of lines, mains, and pipes.
Utility parties (includes utilities) .....		

*B. How can I get copies of this document and other related information?*

*Docket.* EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2020-0005; FRL-7611-02-OW. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available electronically through [www.regulations.gov](http://www.regulations.gov). Out of an abundance of caution for members of the public and EPA staff, the EPA Docket Center and Reading Room are currently closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. When the EPA Docket Center and Reading Room reopen, publicly available docket materials will be available in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

*C. Geographic Coverage*

EPA provides permit coverage for classes of point source discharges of pollutants that occur in areas where EPA is the NPDES permitting authority. The geographic coverage of the 2021 PGP is listed in Appendix C of the permit.

*D. Who are the EPA regional contacts for this final permit?*

For EPA Region 1, contact George Papadopoulos at tel.: (617) 918-1579; or email at [papadopoulos.george@epa.gov](mailto:papadopoulos.george@epa.gov).

For EPA Region 2, contact Stephen Venezia at tel.: (212) 637-3856; or email at [venezia.stephen@epa.gov](mailto:venezia.stephen@epa.gov). For Puerto Rico, contact Sergio Bosques at tel.: (787) 977-5838 or [bosques.sergio@epa.gov](mailto:bosques.sergio@epa.gov).

For EPA Region 3, contact Carissa Moncavage at tel.: (215) 814-5798; or email at [moncavage.carissa@epa.gov](mailto:moncavage.carissa@epa.gov).

For EPA Region 4, contact Sam Sampath at tel.: (404) 562-9229; or email at [sampath.sam@epa.gov](mailto:sampath.sam@epa.gov).

For EPA Region 5, contact John Colletti at tel.: (312) 886-6106; or email at [colletti.john@epa.gov](mailto:colletti.john@epa.gov).

For EPA Region 6, contact William F. Cooper at tel.: (214) 665-6443 or email at [cooper.williamf@epa.gov](mailto:cooper.williamf@epa.gov).

For EPA Region 7, contact Alex Owutaka at tel.: (913) 551-7584 or email at [owutaka.alex@epa.gov](mailto:owutaka.alex@epa.gov).

For EPA Region 8, contact Margaret Kennedy at tel.: (303) 312-6644 or email at [kennedy.margaret@epa.gov](mailto:kennedy.margaret@epa.gov).

For EPA Region 9, contact Eugene Bromley at tel.: (415)-972-3510 or email at [bromley.eugene@epa.gov](mailto:bromley.eugene@epa.gov).

For EPA Region 10, contact Bilin Basu at tel.: (206) 553-0029 or email at [basu.bilin@epa.gov](mailto:basu.bilin@epa.gov).

**II. Background**

Section 301(a) of the CWA provides that “the discharge of any pollutant by any person shall be unlawful” unless the discharge is in compliance with certain other Sections of the Act. 33 U.S.C. 1311(a). The CWA defines “discharge of a pollutant” as “(A) any addition of any pollutant to navigable waters from any point source and (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.” 33 U.S.C. 1362(12). A “point source” is any “discernible, confined and discrete conveyance” but does not include “agricultural stormwater discharges and return flows from irrigated agriculture.” 33 U.S.C. 1362(14).

The term “pollutant” includes among other things “garbage . . . chemical wastes, biological materials . . . and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. 1362(6).

A person may discharge a pollutant without violating the Section 301 prohibition by obtaining authorization to discharge (referred to herein as “coverage”) under a Section 402 NPDES permit (33 U.S.C. 1342). Under Section 402(a), EPA may “issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding Section 1311(a)” upon certain conditions required by the Act.

EPA issued the first Pesticide General Permit (“2011 PGP”) on October 31, 2011, in response to the United States Sixth Circuit Court of Appeals ruling vacating EPA’s 2006 Final Rule on Aquatic Pesticides. *National Cotton Council of America v. EPA*, 553 F.3d 927 (6th Cir. 2009). EPA developed the PGP to control point source discharges of biological pesticides and chemical pesticides that leave a residue into waters of the United States. In 2016, EPA issued the second PGP (2016 PGP). EPA is issuing the 2021 PGP to replace the 2016 PGP which expires at midnight on October 31, 2021. Similar to the 2011 PGP and 2016 PGP, the 2021 PGP provides coverage for certain point source discharges of pollutants to waters

of the United States in areas where EPA is the NPDES permitting authority.

EPA published the draft 2021 PGP and accompanying Fact Sheet in the **Federal Register** on January 15, 2021 (86 FR 4070), soliciting comments on the draft permit. EPA also conducted formal consultation with Indian Tribal Governments. EPA received 8 written comment letters on the draft permit. EPA considered all comments received during the comment period in preparing the final permit. EPA responded to all significant comments in the Response to Comment Document which is available as part of the docket for this permit.

**III. Summary of the 2021 PGP**

*A. Summary of Updates to the 2016 PGP and From the Proposed 2021 PGP*

While the requirements of the 2021 PGP remain the same as those in the 2016 PGP, some minor updates have been added and are discussed in more detail in the 2021 PGP Fact Sheet. The draft 2021 PGP was proposed on January 15, 2021 and EPA proposed keeping the same conditions and requirements as the 2016 PGP as well as the following changes:

- Removed the out of date NOI provision that provided automatic coverage for all Operators until January 12, 2017.
- Replaced the requirement to use the EPA’s eNOI system with EPA’s NPDES eReporting Tool (NeT) when preparing and submitting NOIs, NOTs, and annual reports.
- Updated Appendix A, Definitions, Abbreviations, and Acronyms, to include the terms “Pesticide discharges to waters of the United States from pesticide application” and “pesticide residue,” as defined in 40 CFR 122.2.
- Modified Appendix B, Standard Permit Conditions, to ensure consistency with 40 CFR 122.41.
- Updated Appendix C, Areas Covered, to reflect coverage changes by removing the State of Idaho, and added Indian Country within Virginia and Indiana.

In response to the public comments received and the Endangered Species Act Section 7 consultation, below is a summary of changes to the draft 2021 PGP and discussed in more detail in the 2021 PGP Fact Sheet:

- Clarified Part 1.1.2.4 of the PGP by changing the phrase “not likely to adversely affect” and clarified the supporting documentation to be submitted with the Notice of Intent for the eligibility criterion selected. Appendix D, Notice of Intent form, and Appendix I, Endangered Species Procedures, are also updated to reflect

changes made in Part 1.1.2.4 of the permit.

- Corrected Part 1.2.3 of the PGP by adding back the statement that Decision-makers may submit multiple NOIs with different activities.

- Clarified Part 1.6 of the PGP by adding the term “as a result of a separate federal action.”

- Updated Part 2.2.3.b of the PGP to add cultural methods to the list of management options Decision-maker must evaluate when developing Pest Management Measures for animal pest control.

- Updated Part 9.0 of the PGP to reflect state and tribal Clean Water Act Section 401 certifications.

- Updated Definitions, Abbreviations, and Acronyms, Appendix A of the PGP to:

- Correct the effective date in the definition for the Decision-maker who is or will be required to submit an NOI.

- update the definition for the National Marine Fisheries Service (NMFS) Listed Resources of Concern to include the 2021 biological opinion.

- add the definition for “Take”.

- add missing acronyms.

- Updated Appendix C of the PGP, Areas Covered, to remove tribes who denied coverage under the permit, and to remove Texas’ oil and gas activities.

- Corrected Appendix F of the PGP, Pesticide Discharge Evaluation Worksheet, by adding an introduction to the coversheet and updating the instructions to point Operators to Part 7.3 of the PGP.

- Updated Appendix I of the PGP, Endangered Species Procedures, to include list of pesticides that a NMFS’ biological opinion has determined the labeled use would jeopardize the continued existence of ESA-listed species and/or adversely modify designated critical habitat.

#### *B. Summary of 2021 PGP Terms and Requirements*

The 2021 PGP is similar to the 2016 PGP, and is structured in the same nine parts: (1) Coverage under This Permit, (2) Technology-Based Effluent Limitations, (3) Water Quality-Based Effluent Limitations, (4) Monitoring, (5) Pesticide Discharge Management Plan, (6) Corrective Action, (7) Recordkeeping and Annual Reporting, (8) EPA Contact Information and Mailing Addresses, and (9) Permit Conditions Applicable to Specific States (including Territories) and Indian Country. Additionally, as with the 2016 PGP, the 2021 PGP includes nine appendices with additional conditions and guidance for permittees: (A) Definitions, Abbreviations, and Acronyms, (B)

Standard Permit Conditions, (C) Areas Covered, (D) Notice of Intent (NOI) form, (E) Notice of Termination (NOT) form, (F) Pesticide Discharge Evaluation Worksheet (PDEW), (G) Annual Reporting Template, (H) Adverse Incident Report Template, and (I) Endangered Species Procedures. A summary of the 2021 PGP’s requirements are provided in the 2021 PGP Fact Sheet.

#### *C. 2021 PGP Cost Analysis and Future Cost-Benefit Considerations*

The cost analysis accompanying this final permit monetizes and quantifies certain incremental cost impacts of the final permit changes as compared to the 2016 PGP. EPA analyzed each change in the 2021 PGP considering the previous permit’s requirements. The objective of the cost analysis is to show where or to what extent the 2021 PGP requirements impose an incremental increase in administrative and compliance costs (such as sampling and monitoring costs) on Operators in relation to costs that are already accounted for in the 2016 PGP. EPA expects no incremental cost impact on entities that will be covered under the 2021 PGP, including small businesses, since the requirements in the permit are substantively the same as those found in both the 2016 PGP as well as the 2011 PGP. For further discussion, see Appendix D of the fact sheet.

More broadly, EPA notes that additional unquantified costs and benefits result from this action. In developing the next PGP (or another NPDES general permit, as appropriate), EPA plans to estimate the broader impacts arising from these actions, including costs and benefits. Estimates under consideration may include: (1) Assessing how costs and benefits are attributed between the PGP and applicable water quality standards (including TMDLs) that may be in effect; (2) developing a new modeling framework to assess how regulated entities understand and implement control measures relating to existing and new permit obligations; (3) examining whether any underlying cost and benefit assumptions need to be updated; (4) examining more broadly how EPA can analyze benefits when developing permits; (5) developing more robust approaches to assessing uncertainties associated with the analytic approaches, including how to quantitatively assess uncertainties of key assumptions; and (6) developing a framework to analyze the effort of cooperative federalism.

#### **IV. Executive Orders 12866 and 13563**

The 2021 PGP is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

#### **V. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations**

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA believes that the 2021 PGP will not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples because the requirements in the permit apply equally to all pesticide applicators in areas where EPA is the permitting authority. The provisions in the general permit increase the level of environmental protection for all affected populations.

#### **VI. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments**

This action does not have tribal implications as specified in E.O. 13175. It will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. EPA directly implements the NPDES Program, including the 2021 PGP when it is finalized, in Indian country; therefore, in compliance with EPA Policy on Consultation and Coordination with Indian Tribes, EPA consulted with tribal officials early in the process to allow tribes to have meaningful and timely input into the renewal of the PGP. In the course of this consultation, EPA undertook the following activities:

- May 8, 2020—EPA emailed notification letters to tribal leaders initiating consultation and coordination on the renewal of the PGP.

- June 9, 2020—EPA held an informational webinar open to all tribal representatives and reserved the last part of the teleconference for official consultation comments. No official comments were received during the webinar.

EPA did not receive any comments during the formal tribal consultation period. EPA notes that as part of the finalization of this permit, the agency completed Section 401 certification procedures with all applicable tribes where this permit will apply (see Part 9 and Appendix C of the PGP).

*Authority:* Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 8, 2021.

**Deborah A. Szaro,**

*Acting Regional Administrator, EPA Region 1.*

Dated: September 8, 2021.

**Javier Laureano,**

*Director, Water Division, EPA Region 2.*

Dated: September 8, 2021.

**Carmen R. Guerrero-Pérez,**

*Director, Caribbean Environmental Protection Division, EPA Region 2 Caribbean Office.*

Dated: September 8, 2021.

**Catherine A. Libertz,**

*Director, Water Division, EPA Region 3.*

Dated: September 8, 2021.

**Jeananne M. Gettle,**

*Director, Water Division, EPA Region 4.*

Dated: September 8, 2021.

**Tera L. Fong,**

*Director, Water Division, EPA Region 5.*

Dated: September 8, 2021.

**Troy Hill,**

*Deputy Director, Water Division, EPA Region 6.*

Dated: September 8, 2021.

**Jeffery Robichaud,**

*Director, Water Division, EPA Region 7.*

Dated: September 8, 2021.

**Humberto Garcia,**

*Acting Director, Water Division, EPA Region 8.*

Dated: September 8, 2021.

**Tomás Torres,**

*Director, Water Division, EPA Region 9.*

Dated: September 8, 2021.

**Daniel D. Opalski,**

*Director, Water Division, EPA Region 10.*

[FR Doc. 2021-19965 Filed 9-15-21; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MEDIATION AND CONCILIATION SERVICE

[Docket No.: FMCS-2021-3]

### Notice to Mediation Agency

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS), invites the

general public and other Federal Agencies to take this opportunity to comment on the following information collection request, Notice to Mediation Agency, (Agency Form F-7). This information collection request was previously approved by the Office of Management Budget (OMB) but has expired. FMCS is requesting a reinstatement without change. The Notice to Mediation Agency, (Agency Form F-7), allows parties to comply with their statutory obligation under the Labor Management Relations Act of 1947. The Agency Form F-7 also allows FMCS to receive these notices from parties to a collective bargaining agreement to comply with its statutory mandate to facilitate mediation.

**DATES:** Comments must be submitted on or before October 18, 2021.

**ADDRESSES:** You may submit comments [identified by Docket No.: FMCS-2021-3] through one of the following methods:

- *Email:* Arthur Pearlstein, [apearlstein@fmcs.gov](mailto:apearlstein@fmcs.gov);
- *Mail:* Arthur Pearlstein, HQ Office of Arbitration, One Independence Square, 250 E St. SW, Washington, DC 20427. Please note that at this time, the FMCS office is not open for visitors and mail is not checked daily. Therefore, we encourage emailed comments.

**FOR FURTHER INFORMATION CONTACT:** Arthur Pearlstein, 202-606-8103, [apearlstein@fmcs.gov](mailto:apearlstein@fmcs.gov).

**SUPPLEMENTARY INFORMATION:** Copies of the agency form are available here. Paper copies are available from the Office of Arbitration Services by emailing Arthur Pearlstein at the email address above. Please ask for Agency Form F-7.

### I. Information Collection Request

*Agency:* Federal Mediation and Conciliation Service.

*Form Number:* OMB No. 3076-0004.

*Type of Request:* Reinstatement without change of a previously approved collection.

*Affected Entities:* Employers and their representatives; and labor unions, their representatives and employees, regarding contract negotiations.

*Frequency:* This form is completed once for resolution facilitation.

*Abstract:* Under the Labor Management Relations Act of 1947, 29 U.S.C. 158(d), Congress listed specific notice provisions so that no party to a collective bargaining agreement can terminate or modify a collective bargaining contract, unless the party wishing to terminate or modify the contract sends a written notice to the other party sixty days prior to the

expiration date (29 U.S.C. 158(d)(1)) and offers to meet and confer with the other party for the purpose of negotiating a new or modified contract (29 U.S.C. 158(d)(2)). The Act requires that parties notify FMCS within thirty days after such notice of the existence of a bargaining dispute (29 U.S.C. 158(d)(3)). The 1974 amendments to the National Labor Relations Act extended coverage to nonprofit health care institutions, including similar notices to FMCS. 29 U.S.C. 158(d) and (g). To facilitate handling around 27,190 notices a year, FMCS created information collection form F-7. The purpose of this information collection activity is for FMCS to comply with its statutory duty to receive these notices, to facilitate assignment of mediators to assist in labor disputes, and to assist the parties in knowing whether proper notice was given. The information from these notices is sent electronically to the appropriate field manager who assigns the cases to a mediator so that the mediator may contact labor and management quickly, efficiently, and offer dispute resolution services. Either party to a contract may make a request in writing for a copy of the notice filed with FMCS. Form F-7 was created to allow FMCS to gather desired information in a uniform manner. The collection of such information, including the name of the employer or employer association, address and phone number, email address, official contact, bargaining unit and establishment size, location of affected establishment and negotiations, industry, union address, phone number, email address and official contact, contract expiration date or renewal date, whether the notice is filed on behalf of the employer or the union, and whether this is a health care industry notice is critical for reporting and mediation purposes.

*Burden:* The current total annual burden estimate is that FMCS will receive requests from approximately 27,190 respondents per year. The form takes about 10 minutes to complete.

### II. Request for Comments

FMCS solicits comments to:

i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

iii. Enhance the quality, utility, and clarity of the information to be collected.