

in SMCRA and the Federal regulations, as approved by the Secretary of the Interior. SMCRA, however, does not allow for the delegation of this authority to a State to regulate surface coal mining and reclamation operations on “Indian lands” within the State’s boundaries. Unless a Tribe obtains primacy, SMCRA designates OSMRE as the sole regulatory authority over surface coal mining and reclamation operations on “Indian lands.” 30 U.S.C. 1300. SMCRA defines “Indian lands” as: “all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by an Indian tribe.” 30 U.S.C. 1291(9).

Potential Implications of Substitution of Federal Authority

SMCRA established the Abandoned Mine Reclamation Fund to receive reclamation fees that, along with funds from other sources, are used to finance reclamation of abandoned coal mine sites. Title IV of SMCRA authorizes OSMRE to provide grants to eligible States and Tribes that are funded from permanent (mandatory) appropriations. In general, recipients use these funds: To reclaim the highest priority AML coal mine sites that were left abandoned prior to the enactment of SMCRA in 1977; to reclaim eligible non-coal sites; for projects that address the impacts of mineral development; and for eligible non-reclamation projects.

Title V of SMCRA authorizes OSMRE to provide grants to States and Tribes to develop, administer, and enforce State and Tribal regulatory programs that address, among other things, the disturbances from coal mining operations. Additionally, upon approval of a State or Tribal regulatory program, Title V authorizes a State or Tribe to assume regulatory primacy and act as the regulatory authority within the State or Tribe, and to administer and enforce its approved SMCRA regulatory program with oversight and backup enforcement authority provided by OSMRE. The regulations at Title 30 of the Code of Federal Regulations, Chapter VII, implement these provisions of SMCRA.

OSMRE will revisit and revise Oklahoma’s regulatory and reclamation grants, as appropriate and consistent with OSMRE’s assumption of regulatory

and reclamation jurisdiction over Indian lands in Oklahoma.

Glenda H. Owens,

Deputy Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2021–22720 Filed 10–18–21; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–282 (Fifth Review)]

Petroleum Wax Candles From China

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

Background

The Commission instituted this review on April 1, 2021 (86 FR 17203) and determined on July 7, 2021 that it would conduct an expedited review (86 FR 51380, September 15, 2021).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on October 13, 2021. The views of the Commission are contained in USITC Publication 5232 (October 2021), entitled *Petroleum Wax Candles from China: Investigation No. 731–TA–282 (Fifth Review)*.

By order of the Commission.

Issued: October 13, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–22694 Filed 10–18–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 13, 2021, the Department of Justice lodged a proposed consent decree with the United States District

Court for the Southern District of Texas in the lawsuit entitled *United States v. Equistar Chemicals, LP; LyondellBasell Acetyls, LLC; and Lyondell Chemical Co.*, Civil Action No. 4:21–cv–3359.

The United States filed this lawsuit under the Clean Air Act. The complaint seeks injunctive relief and civil penalties based on violations of the Clean Air Act’s New Source Review requirements, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, “Title V” program requirements and operating permits, and related Texas and Iowa state implementation plan requirements. The alleged violations involve flares used at petrochemical manufacturing plants owned and operated by the defendants, Equistar Chemicals, LP; LyondellBasell Acetyls, LLC; and Lyondell Chemical Co., in Channelview, Corpus Christi, and LaPorte, Texas, and in Clinton, Iowa. The consent decree requires the defendants to perform injunctive relief and pay a \$3,400,000 civil penalty.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Equistar Chemicals, LP; LyondellBasell Acetyls, LLC; and Lyondell Chemical Co.*, D.J. Ref. No. 90–5–2–1–11593. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$34.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Vice Chair Randolph J. Stayin not participating.

without the exhibits and signature pages, the cost is \$20.50.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021-22706 Filed 10-18-21; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice Announcing the Methodology To Distribute Outcome Payments to States for the Unemployment Insurance (UI) Reemployment Services and Eligibility Assessments (RESEA) Program in Accordance With Title III, Section 306(f)(2) of the Social Security Act (SSA)

AGENCY: Employment and Training Administration (ETA), Department of Labor.

ACTION: Announcement of the methodology to distribute outcome payments to States for the UI RESEA program for states meeting or exceeding program goals.

SUMMARY: The Department is announcing the final methodology to distribute RESEA outcome payments to states each fiscal year (FY) after FY 2020 as required by the SSA. On May 7, 2020, ETA published a notice in the **Federal Register** requesting public comment concerning the proposed methodology to distribute RESEA outcome payments to states each fiscal year (FY) after FY 2020. The notice presented a description of the proposed methodology and public comments were requested. The comment period closed on June 8, 2020. This notice summarizes and responds to the comments received and publishes the final allocation formula that will be used for FY 2021.

DATES: The RESEA outcome payments distribution methodology will be used for FY 2021 and will be based on FY 2020 RESEA program performance.

ADDRESSES: Questions about this notice can be submitted to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Room S-4524, Washington, DC 20210, Attention: Lawrence Burns, or by email at *DOL-ETA-UI-FRN@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Lawrence Burns, Division of Legislation, Office of Unemployment Insurance, at

202 693-3141 (this is not a toll-free number), TTY 1-877-889-5627 (this is not a toll-free number), or by email at *Burns.Lawrence@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal-State UI program is a required partner in the comprehensive, integrated workforce system. See Workforce Innovation and Opportunity Investment Act (WIOA) section 121(b)(1)(B)(xi) (29 U.S.C. 3151(b)(1)(B)(xi)). Individuals who have lost employment through no fault of their own and have earned sufficient wage credits, may receive unemployment compensation (UC) if they meet initial and continuing eligibility requirements. Beginning in 2005, the Department and participating state workforce agencies began addressing the individual reemployment needs of UC claimants and working to prevent and detect UC improper payments through the voluntary UI Reemployment and Eligibility Assessment (REA) program. In FY 2015, the voluntary Reemployment Services and Eligibility Assessment (RESEA) program replaced the REA program.

The Bipartisan Budget Act of 2018 (Pub. L. 115-123) (BBA), enacted on February 9, 2018, amended the SSA to create a permanent authorization for the RESEA program. A total of 49 states and jurisdictions operated a RESEA program in FY 2020. The primary goals for the RESEA program are: To improve employment outcomes for individuals that receive unemployment compensation and to reduce average duration of receipt of UC through employment; to strengthen program integrity and reduce improper payments of UC by states through the detection and prevention of such payments to individuals who are not eligible for such compensation; to promote alignment with WIOA's broad vision of increased program integration and service delivery for job seekers, including claimants for UC; and to establish RESEAs as an entry point into other workforce system partner programs for individuals receiving UC.

II. Background

The RESEA provisions are contained in Section 306 of the Social Security Act (SSA) (42 U.S.C. 506). In addition to program requirements, Section 306, SSA, contains provisions for the funding of the RESEA program. The law specifies three uses for the funding and designates the proportion of annual appropriations to be assigned to these uses: (1) Base funding for states to

operate the RESEA program (89 percent for fiscal years 2021 through 2026, and 84 percent for fiscal years after 2026); (2) outcome payments designed to reward states meeting or exceeding certain criteria (10 percent for fiscal years 2021 through 2026, and 15 percent for fiscal years after 2026); and (3) up to one percent for the Secretary of Labor to conduct research and provide technical assistance to states. Additionally, the law requires the Department to develop a methodology to allocate and distribute base funding and outcome payments to states beginning in FY 2021. On August 8, 2019 the Department published a notice announcing the methodology for distribution of base funding at 84 FR 39018.

Section 306(f)(2)(A), SSA, requires ETA to make "outcome payments" to states that meet or exceed the outcome goals for reducing the average duration of receipt of UC by improving employment outcomes. The law specifically states:

IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage for such fiscal year for outcome payments to increase the amount otherwise awarded to a State [for base funding under paragraph (f)(1)]. Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the previous fiscal year, met or exceeded the outcome goals provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes.

As described further in Section IV, ETA will be using several data sources to identify states eligible for RESEA outcome payments. These data sources include the ETA 5159 "Claims and Payment Activities" Report (OMB No. 1205-0010, expires April 30, 2022), which will be used to determine changes in UC duration, and RESEA data reported by the Wagner-Peyser Act-funded Employment Service program (ES program). The Wagner-Peyser data is transmitted to ETA via the Workforce Integrated Performance System (WIPS), and the specific data elements and reporting format are specified by the Participant Individual Record Layout (PIRL), (ETA Form 9172 (OMB No. 1205-0521, expires June 30, 2024)). RESEA-specific data reported under Wagner-Peyser Employment Service reports will be used to identify states with improved employment outcome for RESEA participants.