

Pennsylvania's presumptive RACT regulation.

EPA also finds that all the proposed revisions to previously SIP approved RACT requirements, under the 1997 8-hour ozone standard, as discussed in AMS' SIP revisions, will result in equivalent or additional reductions of NO<sub>x</sub> and/or VOC emissions and should not interfere with any applicable requirement concerning attainment or reasonable further progress with the NAAQS or interfere with other applicable CAA requirement in section 110(l) of the CAA.

EPA's complete analysis of AMS' case-by-case RACT SIP revisions is included in the TSD available in the docket for this rulemaking action and available online at <https://www.regulations.gov>, Docket number EPA-R03-OAR-2020-0598.

#### IV. Proposed Action

Based on EPA's review, EPA is proposing to approve the Pennsylvania SIP revisions for the nine case-by-case RACT facilities listed in Table 2 of this document and incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source specific RACT determinations under the 2008 8-hour ozone NAAQS for certain major sources of NO<sub>x</sub> and VOC emissions. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. As EPA views each facility as a separable SIP revision, should EPA receive comment on one facility but not others, EPA may take separate, final action on the remaining facilities.

#### V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference source specific RACT determinations via the RACT II permits as described in Sections II and III of this document—Summary of SIP Revisions and EPA's Evaluation of SIP Revisions. EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

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

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

In addition, this proposed rulemaking, addressing the NO<sub>x</sub> and VOC RACT requirements for nine case-by-case facilities for the 1997 and 2008 8-hour ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 90

[WP Docket No. 07-100; Report No. 3167; FRS 17394]

### Petitions for Reconsideration of Action in Rulemaking Proceeding

**AGENCY:** Federal Communications Commission.

**ACTION:** Petitions for reconsideration.

**SUMMARY:** Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by Jeffrey S. Cohen, on behalf of APCO International, Ralph A. Haller, on behalf of National Public Safety Telecommunications Council and Chief Jeffrey D. Johnson, on behalf of The Public Safety Spectrum Alliance.

**DATES:** Oppositions to the Petitions must be filed on or before February 24, 2021. Replies to an opposition must be filed on or before March 8, 2021.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Nellie A. Foosaner, Mobility Division, Wireless Telecommunications Bureau, (202) 418-2925 or [Nellie.Foosaner@fcc.gov](mailto:Nellie.Foosaner@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, Report No. 3167, released January 12, 2021. The full text of the Petitions can be accessed online via the Commission's Electronic Comment Filing System at: <http://apps.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

*Subject:* 4.9 GHz Band, FCC 20–137, published at 85 FR 76469, November 30, 2020, in WP Docket No. 07–100. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

*Number of Petitions Filed:* 3.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 226

[Docket No: 200918–0249]

RIN 0648–BJ52

#### Endangered and Threatened Species; Critical Habitat for the Threatened Indo-Pacific Corals, Extension of Public Comment Period

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

**ACTION:** Proposed rule; second extension of comment period.

**SUMMARY:** We, NMFS, are extending the public comment period by 30 days for our proposed rule, published in the **Federal Register** on November 27, 2020, to designate critical habitat for seven threatened corals in U.S. waters in the Indo-Pacific (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriatopora aculeata*) under the Endangered Species Act. On December 23, 2020 the comment period was extended 30 days. The end of the public comment period is extended again from February 25, 2021, to March 27, 2021.

**DATES:** The comment period for the notice of proposed rulemaking published at 85 FR 76262, and first extended at 85 FR 83899, is extended. The public comment period is extended by 30 days to March 27, 2021. Comments must be received by March 27, 2021, as specified under **ADDRESSES**. Comments received after this date may not be accepted.

**ADDRESSES:** You may submit public comments in writing by any of the

following methods. Comments must be received by March 27, 2021:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal. Go to [www.regulations.gov/](http://www.regulations.gov/) #!docketDetail;D=NOAA-NMFS-2016-0131 click the “Comment Now” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Lance Smith, Protected Resources Division, NMFS, Pacific Islands Regional Office, NOAA Inouye Regional Center, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

**Instructions:** You must submit comments by one of the previously described methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Lance Smith, NMFS Pacific Islands Region, [lance.smith@noaa.gov](mailto:lance.smith@noaa.gov) or 808–725–5131.

**SUPPLEMENTARY INFORMATION:** On November 27, 2020, NMFS proposed to designate critical habitat for seven Indo-Pacific corals listed as threatened under the Endangered Species Act (ESA) within U.S. waters in Guam, the Commonwealth of the Northern Mariana Islands (CNMI), American Samoa, and the Pacific Remote Island Area (PRIA). The seven species are *Acropora globiceps*, *A. jacquelineae*, *A. retusa*, *A. speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriatopora aculeata*. Proposed coral critical habitat consists of substrate and water column habitat characteristics essential for the reproduction, recruitment, growth, and maturation of the listed corals.

Proposed critical habitat consists of 17 separate units, each of which contains all ESA-listed corals that occur there. There are four units in American Samoa (Tutuila, Ofu-Olosega, Ta’u, Rose

Atoll); seven in CNMI (Rota, Aguijan, Tinian, Saipan, Anatahan, Pagan, and Maug Islands); five in the PRIA (Howland, Palmyra, Kingman, Johnston, and Jarvis Islands); and one unit encompassing all proposed designations in Guam. Between one and six listed corals occur in each unit. The following areas are either ineligible for proposed critical habitat, or excluded because of national security impacts: A complex of overlapping Navy Surface Danger Zones off of Ritidian Point in Guam; other parts of Guam; parts of Tinian; a group of six Navy anchorage berths on Garapan Bank in Saipan; all of Farallon de Medinilla; and all of Wake Atoll.

Critical habitat protections apply only to Federal actions under section 7 of the ESA. Activities that are not funded, authorized, or carried out by a Federal agency are not subject to these protections. The proposed rule and other materials prepared in support of this action, including maps showing the proposed critical habitat, are available at: <https://www.fisheries.noaa.gov/action/proposed-rule-designate-critical-habitat-threatened-indo-pacific-corals>.

The original public comment period for this proposed rule was scheduled to close on January 26, 2021. In response to public input, we extended the public comment period by 30 days to February 25, 2021, and held two online public hearings on January 19 and January 21, 2021. At the public hearings, we received several requests to again extend the public comment period, to allow the public to adequately review the extensive supporting materials for the proposed rule in order to formulate public comments. Similarly, on January 26, 2021, we received a letter from the Governors of CNMI, Guam, and American Samoa requesting extension of the public comment period for the same reason. In response, we are extending the public comment period by another 30 days. We are accepting public comments for the proposed rule through March 27, 2021. Public comments can be submitted as described under **ADDRESSES**.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: February 3, 2021.

**Samuel D. Rauch III,**

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

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