

that the court vacate the Agency's decision to withdraw the 2014 Proposed Determination and remand the action to the Agency to reconsider its action. In its motion, EPA explained that, in making the withdrawal decision, the Agency had not addressed the "unlikely to have an unacceptable adverse effect" standard that the Ninth Circuit subsequently held must be met when EPA withdraws a proposed determination and that such an omission "was serious and fundamental." The District Court granted EPA's motion on October 29, 2021.

### III. Legal Background

#### A. CWA Section 404(c)

CWA section 404(a) allows the Corps to issue permits authorizing the discharge of dredged or fill material at specified disposal sites. Section 404(b) provides that "[s]ubject to subsection (c) . . . , each such disposal site shall be specified for each such permit by the Secretary. . . ." CWA Section 404(c) authorizes EPA to prohibit the specification of any defined area or deny or restrict the use of any defined area as a disposal site for the discharge of dredged or fill material into waters of the United States within the defined area "whenever" it determines that the discharge of such material into such area will have "an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas." 33 U.S.C. 1344(c).

#### B. CWA Section 404(c) Regulations

EPA's regulations at 40 CFR part 231 provide a four-step process for the Agency to follow in exercising its 404(c) authority.

**Step 1: Initial Notification.** If the EPA Regional Administrator has reason to believe, after evaluating available information, that an unacceptable adverse effect could result from the specification or use for specification of a defined area as a disposal site, the Regional Administrator may initiate the section 404(c) process by notifying the Corps, the applicant (if any), and the owner of record of the site that s/he intends to issue a public notice of the proposed determination to prohibit or withdraw the specification, or to deny, restrict or withdraw the use for specification, whichever the case may be, of any defined area as a disposal site. 40 CFR 231.3(a)(1).

**Step 2: Proposed Determination.** If within 15 days of receipt of the Regional

Administrator's notice under Step 1, it has not been demonstrated to the satisfaction of the Regional Administrator that no unacceptable adverse effect(s) will occur or the Corps does not notify the Regional Administrator of its intent to take corrective action to prevent an unacceptable adverse effect satisfactory to the Regional Administrator, the Regional Administrator must publish a notice of the proposed determination in the **Federal Register**, soliciting public comment and offering an opportunity for public hearing. 40 CFR 231.3(a)(2); 40 CFR 231.3(b).

**Step 3: Withdrawal of Proposed Determination or Preparation of Recommended Determination.** Within 30 days after the conclusion of the public hearing (but not before the end of the comment period), or, if no hearing is held, within 15 days after the expiration of the comment period on the public notice of the proposed determination, the Regional Administrator must either withdraw the proposed determination or prepare a recommended determination. If the Regional Administrator prepares a recommended determination, the Regional Administrator must promptly forward the recommended determination and administrative record to the Assistant Administrator for Water. 40 CFR 231.5(a) and (b).

**Step 4: Final Determination.** Within 30 days of receipt of the recommendations and administrative record, the Assistant Administrator for Water shall initiate consultation with the Corps, the applicant (if any), and the owner of record of the site. Each of those parties shall have 15 days to notify the Assistant Administrator for Water of their intent to take corrective action to prevent unacceptable adverse effects, satisfactory to the Assistant Administrator for Water. Within 60 days of receipt of the recommendations and administrative record, the Assistant Administrator for Water shall make a final determination affirming, modifying, or rescinding the recommended determination.

EPA's regulations authorize it to extend the regulatory deadlines "upon a showing of good cause." 40 CFR 231.8. "Notice of any such extension shall be published in the **Federal Register** and, as appropriate, through other forms of notice." *Id.*

### IV. Extension of Regulatory Time Requirements for Good Cause

The District Court's vacatur of the decision to withdraw the 2014 Proposed Determination reinstates the 2014

Proposed Determination and reinitiates the CWA section 404(c) review process. The next step in the CWA section 404(c) review process requires the Region 10 Regional Administrator to, within 30 days, decide whether to withdraw the 2014 Proposed Determination or prepare a recommended determination. *See* 40 CFR 231.5(a). EPA Region 10's 2014 Proposed Determination relied on EPA's authority under section 404(c) of the CWA; was issued in accordance with the regulations at 40 CFR part 231; and reflected EPA Region 10's robust consideration of the extensive science and technical information available to the Agency at the time. Since EPA issued the 2014 Proposed Determination, new information has become available, including the voluminous public comments EPA received on the 2014 Proposed Determination; technical information contained in PLP's CWA section 404 permit application and updated mine plan; analysis developed during the NEPA process and contained in Corps' Final EIS and its permit denial; as well as new and potentially relevant science and technical information produced through other contemporaneous efforts. EPA has concluded that it should consider this information in its decision-making. EPA has therefore determined that good cause exists under 40 CFR 231.8 to extend the thirty-day regulatory time requirement in 40 CFR 231.5(a). An extension through May 31, 2022 will allow the Region 10 Regional Administrator to consider available information in order to determine appropriate next steps, which may include revising the 2014 Proposed Determination.

Dated: November 17, 2021.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 2021–25515 Filed 11–22–21; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

[FR ID 58790]

### Deletion of Item From November 18, Open Meeting

The following item has been adopted by the Commission and deleted from the list of items scheduled for consideration at the Thursday, November 18 2021, Open Meeting. This item was previously listed in the Commission's Notice of Wednesday, November 10, 2021.

|         |             |                                                                                                                                                                                                                                                                                                                   |
|---------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 ..... | MEDIA ..... | <i>Title:</i> Updating FM Radio Directional Antenna Verification (MB Docket No. 21–422).<br><i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking to allow applicants proposing directional FM antennas the option of verifying the directional antenna pattern through computer modeling. |
|---------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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The meeting will be webcast with open captioning at: [www.fcc.gov/live](http://www.fcc.gov/live). Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at [www.fcc.gov/live](http://www.fcc.gov/live).

Dated: November 18, 2021.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2021–25591 Filed 11–22–21; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at [Secretary@fmc.gov](mailto:Secretary@fmc.gov), or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreement are available through the Commission's website ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202) 523–5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 012246–001.

*Agreement Name:* EUKOR/Mitsui O.S.K. Lines, Ltd. Space Charter Agreement.

*Parties:* EUKOR Car Carriers, Inc.; and Mitsui O.S.K. Lines, Ltd.

*Filing Party:* Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

*Synopsis:* The amendment would update EUKOR's address and remove all authority for the parties to jointly negotiate or procure terminal services in the United States.

*Proposed Effective Date:* 12/24/2021.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/303>.

*Agreement No.:* 201333–002.

*Agreement Name:* North Carolina–Virginia Port Terminal Cooperative Working Agreement.

*Parties:* North Carolina State Ports Authority; Virginia International Terminals, LLC; and Virginia Port Authority.

*Filing Party:* David Monroe; GKG Law, P.C.

*Synopsis:* The amendment extends the duration of the Agreement through December 31, 2022.

*Proposed Effective Date:* 12/25/2021.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/27474>.

Dated: November 18, 2021.

**Rachel E. Dickon,**

*Secretary.*

[FR Doc. 2021–25520 Filed 11–22–21; 8:45 am]

**BILLING CODE 6730–02–P**

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Privacy Act of 1974; System of Records

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Notice of a modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Federal Mediation and Conciliation Service (FMCS) proposes to amend and reissue a current system of records notice, titled FMCS–0005, Religious Accommodation System, with a change in title to Reasonable Accommodation System. The system will include information that FMCS collects and maintains for applicants for employment and federal employees who request and/or receive reasonable accommodations for medical or religious reasons. The notice amendment adds medical accommodations. It also includes administrative updates to refine details published under the summary,

supplementary information, system name, authority for maintenance of the system, purpose of the system, categories of individuals covered by the system, categories of records in the system, record source categories, routine uses, policies and practices for storage of records, administrative safeguards, and record access procedures. These sections are amended to refine previously published information about the system of records. The addresses, for further information contact, system number, security classification, system location, system managers, policies and practices for retrieval of records, policies and practices for retention and disposal of records, contesting records, and notification procedures remain unchanged. This amended SORN deletes and supersedes the SORN published in **Federal Register** on October 27, 2021.

**DATES:** This system of records will be effective without further notice on December 23, 2021 unless otherwise revised pursuant to comments received. New routine uses will be effective on December 23, 2021. Comments must be received on or before December 23, 2021.

**ADDRESSES:** You may send comments, identified by FMCS–0005 by any of the following methods:

- *Mail:* Office of General Counsel, 250 E Street SW, Washington, DC 20427.
- *Email:* [ogc@fmc.gov](mailto:ogc@fmc.gov). Include FMCS–0005 on the subject line of the message.
- *Fax:* (202) 606–5444.

#### FOR FURTHER INFORMATION CONTACT:

Doug Jones, Director of Information Technology, at [djones@fmc.gov](mailto:djones@fmc.gov) or 202–606–5483.

**SUPPLEMENTARY INFORMATION:** The notice amendment adds medical accommodations. It also includes administrative updates to refine details published under the summary, supplementary information, system name, authority for maintenance of the system, purpose of the system, categories of individuals covered by the system, categories of records in the system, record source categories, routine uses, policies and practices for storage of records, administrative safeguards, and record access procedures. These sections are amended to refine previously published information about the system of records. The addresses, for