

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.

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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 record ¹ 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.