

health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID-19.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action if finalized would not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed action would not impose any requirements on anyone, including small entities.

D. Unfunded Mandates Reform Act (UMRA)

This proposed action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538. The proposed action would impose no enforceable duty on any State, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This proposed action does not have federalism implications. It would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed action does not have tribal implications as specified in Executive Order 13175. This proposed action is not subject to Executive Order

13175 because it would not have a substantial direct effect on tribes or on the relationship between the national government and tribes.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are economically significant, per the definition of “covered regulatory action” in Section 2–202 of the Executive Order. This proposed action is not subject to Executive Order 13045 because the proposed delays of the effective date and the compliance date are not economically significant.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This proposed rulemaking does not involve technical standards.

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

This proposed action is not subject to Executive Order 12898 (59 Fed 7629, Feb. 16, 1994) because it does not establish an environmental health or safety standard.

Jane Nishida,

Acting Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2020–0463; FRL–10021–05–OLEM]

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Reconsideration of Beneficial Use Criteria and Piles; Notification of Data Availability; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of data availability; request for comment; reopening of comment period.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is reopening the comment period on the notice of data availability for its reconsideration of the beneficial use criteria and provisions for piles of coal combustion residuals (CCR). The original notice of data availability was published on December 22, 2020 with a 60-day public comment period closing February 22, 2021. With this notice, EPA is reopening the public comment period for an additional 60 days, from March 12, 2021 to May 11, 2021.

DATES: Comments must be received on or before May 11, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2020–0463. Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of December 22, 2020 (85 FR 83478). Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Rita Chow, Office of Resource Conservation and Recovery, Resource Conservation and Sustainability Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5306P, Washington, DC 20460; telephone number: (703) 308–6158; email address: chow.rita@epa.gov. For more information on this action please visit <https://www.epa.gov/coalash>.

SUPPLEMENTARY INFORMATION: In the April 17, 2015 Disposal of Coal Combustion Residuals from Electric Utilities final rule, EPA established national criteria for CCR landfills and surface impoundments. The final rule also established a beneficial use definition to distinguish legitimate beneficial use from disposal and

provided requirements for the management of piles of CCR. These specific provisions of the 2015 rule were remanded back to EPA on August 21, 2018, by the U.S. Court of Appeals for the District of Columbia Circuit. To help reconsider these remanded provisions most recently, on December 22, 2020, EPA published a Notice of Data Availability (NODA). See 85 FR 83478. In the NODA, EPA provided public notice of the new information and data the Agency obtained since these provisions were remanded. The new information and data were included in the NODA's docket at EPA-HQ-OLEM-2020-0463. In the NODA, EPA sought public comment on whether these new information and data should inform the Agency's reconsideration of the remanded provisions. Furthermore, EPA solicited additional information and data from the public that may further help inform the Agency's reconsideration of the remanded provisions.

The comment period ended on February 22, 2021. On February 15, 2021, Earthjustice formally requested an additional 60 days to review the NODA and the information in the docket for the NODA; consider the Agency's request for information; and, develop and submit comments. Earthjustice's request has been included in the NODA's docket. In its request, Earthjustice stated that the large volume of documents in the docket requiring review, the scope of additional information being requested by EPA, and the timeline conflict with the development of submissions for the Legacy Impoundment advance notice of proposed rulemaking (85 FR 65015 October 14, 2020), which closed on February 12, 2021, impeded development of comprehensive responses to the NODA request. Earthjustice stated that additional time will result in the Agency receiving more robust data and information submissions from Earthjustice and other environmental organizations. Following this request from Earthjustice, EPA has decided to reopen the comment period for 60 days, from March 12, 2021 to May 11, 2021.

List of Subjects in 40 CFR Part 257

Environmental protection, Coal combustion products, Coal combustion residuals, Coal combustion waste, Beneficial use, Disposal, Hazardous waste, Landfill, Surface impoundment.

Dated: March 9, 2021.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2021-05246 Filed 3-11-21; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 206

[Docket ID FEMA-2020-0038]

RIN 1660-AA99

Cost of Assistance Estimates in the Disaster Declaration Process for the Public Assistance Program; Public Meetings; Extension of Comment Period

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Announcement of public meetings; extension of comment period.

SUMMARY: The Federal Emergency Management Agency (FEMA) is further extending the public comment period for its proposed rule published December 14, 2020, and will hold two additional public meetings remotely via web conference to solicit feedback on the proposed rule. The rule proposed to substantively revise the "estimated cost of the assistance" disaster declaration factor that FEMA uses to review a Governor's request for a major disaster under the Public Assistance Program.

DATES: Written comments on the proposed rule published at 85 FR 80719 (December 14, 2020) may be submitted until 11:59 p.m. Eastern Time (ET) on Monday, April 12, 2021.

FEMA will hold meetings on Monday, March 22, 2021, from 4 to 6 p.m. ET, and Tuesday, March 23, 2021, from 2 to 4 p.m. ET. The public meeting on March 23 will be focused on issues specific to Indian Tribal governments. Depending on the number of speakers, the meetings may end before the time indicated, following the last call for comments.

ADDRESSES: The public meetings will be held via web conference. Members of the public may register to attend the meetings online at the following links:

For the March 22 meeting: <https://attendee.gotowebinar.com/register/7166868991421456908>.

For the March 23 Tribal meeting: <https://attendee.gotowebinar.com/register/812338295713499916>.

If you would like to speak at a meeting, please indicate that on the registration form. For the March 23 meeting, FEMA will be prioritizing comments from representatives and members of Indian Tribal governments. If there is time remaining in a meeting after all registered speakers have finished, FEMA will invite comments from others in attendance.

Reasonable accommodations are available for people with disabilities. To request a reasonable accommodation, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible. Last minute requests will be accepted but may not be possible to fulfill.

Written comments on the proposed rule must be submitted via the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for FEMA-2020-0038-0001 and follow the instructions for submitting comments.

All written comments received, including any personal information provided, may be posted without alteration at <https://www.regulations.gov>. All comments on the proposed rule made during the meetings will be posted to the rulemaking docket on <https://www.regulations.gov>.

For access to the docket and to read comments received by FEMA, go to <https://www.regulations.gov> and search for Docket ID FEMA-2020-0038.

FOR FURTHER INFORMATION CONTACT: Tod Wells, Deputy Division Director, Recovery Directorate, Public Assistance, via email at FEMA-PA-Policy-Questions@fema.dhs.gov or via phone at (202) 646-2500.

SUPPLEMENTARY INFORMATION: On December 14, 2020, FEMA published a proposed rule titled Cost of Assistance Estimates in the Disaster Declaration Process for the Public Assistance Program.¹ Pursuant to 44 CFR 206.48(a), FEMA considers several factors when determining whether to recommend that the President declare a major disaster authorizing the Public Assistance program. In the Disaster Recovery Reform Act of 2018 (DRRA),² Congress directed FEMA to generally review those factors, specifically the estimated cost of the assistance factor, and to update them through rulemaking, as appropriate.³ Congress also directed FEMA to give greater consideration to the recent multiple disasters and

¹ 85 FR 80719 (Dec. 14, 2020).

² Public Law 115-254, 132 Stat. 3438 (Oct. 5, 2018).

³ DRRA sec. 1239.