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Contents

Federal Register

Vol. 86, No. 45

Wednesday, March 10, 2021

Separate Parts In This Issue

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

14019.....13623

14 CFR

1.....13629
11 (2 documents).....13629, 13630
21.....13630
39 (4 documents).....13631, 13633, 13637, 13640
43.....13630
47.....13629
48.....13629
71 (2 documents).....13642, 13644
89.....13629
91.....13629
107 (2 documents).....13629, 13630

Proposed Rules:

39.....13665
71 (2 documents).....13668, 13670

17 CFR

201.....13645

24 CFR

3280.....13645
3282.....13645
3285.....13645

26 CFR

1 (2 documents).....13647, 13648

33 CFR

165 (3 documents).....13649, 13651, 13653

40 CFR

52 (2 documents).....13655, 13658

Proposed Rules:

52 (2 documents).....13671, 13679

45 CFR

Proposed Rules:

160.....13683
164.....13683

47 CFR

27.....13659
74.....13660

Proposed Rules:

73.....13684

48 CFR

Ch. 1 (2 documents).....13794
4.....13794
52.....13794

49 CFR

Proposed Rules:

571.....13684

Federal Register
Vol. 86, No. 45
Wednesday, March 10, 2021

Presidential Documents

Title 3—

The President

Executive Order 14019 of March 7, 2021

Promoting Access to Voting

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Purpose.* The right to vote is the foundation of American democracy. Free and fair elections that reflect the will of the American people must be protected and defended. But many Americans, especially people of color, confront significant obstacles to exercising that fundamental right. These obstacles include difficulties with voter registration, lack of election information, and barriers to access at polling places. For generations, Black voters and other voters of color have faced discriminatory policies and other obstacles that disproportionally affect their communities. These voters remain more likely to face long lines at the polls and are disproportionately burdened by voter identification laws and limited opportunities to vote by mail. Limited access to language assistance remains a barrier for many voters. People with disabilities continue to face barriers to voting and are denied legally required accommodations in exercising their fundamental rights and the ability to vote privately and independently. Members of our military serving overseas, as well as other American citizens living abroad, also face challenges to exercising their fundamental right to vote.

The Constitution and laws of the United States prohibit racial discrimination and protect the right to vote. The Voting Rights Act of 1965 and other Federal statutes implement those protections and assign the Federal Government a key role in remedying disenfranchisement and unequal access to the polls. In passing the National Voter Registration Act of 1993, the Congress found that it is the duty of Federal, State, and local governments to promote the exercise of the fundamental right to vote. Executive departments and agencies (agencies) should partner with State, local, Tribal, and territorial election officials to protect and promote the exercise of the right to vote, eliminate discrimination and other barriers to voting, and expand access to voter registration and accurate election information. It is our duty to ensure that registering to vote and the act of voting be made simple and easy for all those eligible to do so.

Sec. 2. *Policy.* It is the policy of my Administration to promote and defend the right to vote for all Americans who are legally entitled to participate in elections. It is the responsibility of the Federal Government to expand access to, and education about, voter registration and election information, and to combat misinformation, in order to enable all eligible Americans to participate in our democracy.

Sec. 3. *Expanding Access to Voter Registration and Election Information.* Agencies shall consider ways to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process.

(a) The head of each agency shall evaluate ways in which the agency can, as appropriate and consistent with applicable law, promote voter registration and voter participation. This effort shall include consideration of:

(i) ways to provide relevant information in the course of activities or services that directly engage with the public—including through agency materials, websites, online forms, social media platforms, and other points of public access—about how to register to vote, how to request a vote-by-mail ballot, and how to cast a ballot in upcoming elections;

(ii) ways to facilitate seamless transition from agencies' websites directly to State online voter registration systems or appropriate Federal websites, such as Vote.gov;

(iii) ways to provide access to voter registration services and vote-by-mail ballot applications in the course of activities or services that directly engage with the public, including:

(A) distributing voter registration and vote-by-mail ballot application forms, and providing access to applicable State online systems for individuals who can take advantage of those systems;

(B) assisting applicants in completing voter registration and vote-by-mail ballot application forms in a manner consistent with all relevant State laws; and

(C) soliciting and facilitating approved, nonpartisan third-party organizations and State officials to provide voter registration services on agency premises;

(iv) ways to promote and expand access to multilingual voter registration and election information, and to promote equal participation in the electoral process for all eligible citizens of all backgrounds; and

(v) whether, consistent with applicable law, any identity documents issued by the agency to members of the public can be issued in a form that satisfies State voter identification laws.

(b) Within 200 days of the date of this order, the head of each agency shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the ways identified under this review that the agency can promote voter registration and voter participation.

(c) The Administrator of the Office of Electronic Government, Office of Management and Budget, shall, consistent with applicable law, coordinate efforts across agencies to improve or modernize Federal websites and digital services that provide election and voting information to the American people, including ensuring that Federal websites are accessible to individuals with disabilities and people with limited English proficiency. As appropriate, the Administrator of the United States Digital Service may support agencies in implementing the strategic plans directed in subsection (b) of this section.

Sec. 4. *Acceptance of Designation Under the National Voter Registration Act.* (a) This order shall supersede section 3 of Executive Order 12926 of September 12, 1994 (Implementation of the National Voter Registration Act of 1993).

(b) Each agency, if requested by a State to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the National Voter Registration Act, shall, to the greatest extent practicable and consistent with applicable law, agree to such designation. If an agency declines to consent to such designation, the head of the agency shall submit to the President a written explanation for the decision.

(c) The head of each agency shall evaluate where and how the agency provides services that directly engage with the public and, to the greatest extent practicable, formally notify the States in which the agency provides such services that it would agree to designation as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the National Voter Registration Act.

Sec. 5. *Modernizing Vote.gov.* The General Services Administration (GSA) shall take steps to modernize and improve the user experience of Vote.gov. In determining how to do so, GSA shall coordinate with the Election Assistance Commission and other agencies as appropriate, and seek the input of affected stakeholders, including election administrators, civil rights and disability rights advocates, Tribal Nations, and nonprofit groups that study best practices for using technology to promote civic engagement.

(a) GSA's efforts to modernize and improve Vote.gov shall include:

(i) ensuring that Vote.gov complies, at minimum, with sections 504 and 508 of the Rehabilitation Act of 1973;

(ii) ensuring that Vote.gov is translated into languages spoken by any of the language groups covered under section 203 of the Voting Rights Act anywhere in the United States; and

(iii) implementing relevant provisions of the 21st Century Integrated Digital Experience Act (Public Law 115–336).

(b) Within 200 days of the date of this order, GSA shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the steps to modernize and improve the user experience of Vote.gov.

Sec. 6. *Increasing Opportunities for Employees to Vote.* It is a priority of my Administration to ensure that the Federal Government, as the Nation's largest employer, serves as a model employer by encouraging and facilitating Federal employees' civic participation. Accordingly, the Director of the Office of Personnel Management shall take the following actions within 200 days of the date of this order:

(a) coordinate with the heads of executive agencies, as defined in 5 U.S.C. 105, to provide recommendations to the President, through the Assistant to the President for Domestic Policy, on strategies to expand the Federal Government's policy of granting employees time off to vote in Federal, State, local, Tribal, and territorial elections. Such recommendations should include efforts to ensure Federal employees have opportunities to participate in early voting.

(b) Coordinate with the heads of executive agencies, as defined in 5 U.S.C. 105, to provide recommendations to the President, through the Assistant to the President for Domestic Policy, on strategies to better support Federal employees who wish to volunteer to serve as non-partisan poll workers or non-partisan observers, particularly during early or extended voting periods.

Sec. 7. *Ensuring Equal Access for Voters with Disabilities.* Within 270 days of the date of this order, the National Institute of Standards and Technology (NIST) within the Department of Commerce shall evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities. During that period, NIST, in consultation with the Department of Justice, the Election Assistance Commission, and other agencies, as appropriate, shall also analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training. By the end of the 270-day period, NIST shall publish recommendations regarding both the Federal Voter Registration Form and the other barriers it has identified.

Sec. 8. *Ensuring Access to Voting for Active Duty Military and Overseas Citizens.* (a) Within 200 days of the date of this order, the Secretary of Defense shall establish procedures, consistent with applicable law, to affirmatively offer, on an annual basis, each member of the Armed Forces on active duty the opportunity to register to vote in Federal elections, update voter registration information, or request an absentee ballot.

(b) Within 200 days of the date of this order, the Secretary of Defense shall evaluate the feasibility of implementing an online system to facilitate the services described in subsection (a) of this section.

(c) The Secretary of Defense, in coordination with the Department of State, the Military Postal Service Agency, and the United States Postal Service, shall take all practical steps to establish procedures to enable a comprehensive end-to-end ballot tracking system for all absentee ballots cast by military and other eligible overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 *et seq*. Within 200 days of the date of this order, the Secretary of Defense shall submit a report to the Assistant to the President for Domestic Policy with a strategic plan for establishing the aforementioned tracking system.

(d) The head of each agency with overseas employees shall designate an employee to be responsible for coordinating with the Federal Voting Assistance Program, including to promote voter registration and voting services available to the agency's overseas employees. The Director of the Office of Management and Budget may issue guidance to assist agencies in making such designations.

Sec. 9. *Ensuring Access to Voter Registration for Eligible Individuals in Federal Custody.* (a) The Attorney General shall establish procedures, consistent with applicable law, to provide educational materials related to voter registration and voting and, to the extent practicable, to facilitate voter registration, for all eligible individuals in the custody of the Federal Bureau of Prisons. Such educational materials shall be incorporated into the reentry planning procedures required under section 4042(a)(7) of title 18, United States Code. The educational materials should also notify individuals leaving Federal custody of the restrictions, if any, on their ability to vote under the laws of the State where the individual resides and, if any such restrictions exist, the point at which the individual's rights will be restored under applicable State law.

(b) The Attorney General shall establish procedures, consistent with applicable law, to ensure the United States Marshals Service includes language in intergovernmental agreements and jail contracts to require the jails to provide educational materials related to voter registration and voting, and to facilitate voting by mail, to the extent practicable and appropriate.

(c) The Attorney General shall establish procedures, consistent with applicable law, for coordinating with the Probation and Pretrial Services Office of the Administrative Office of the United States Courts to provide educational materials related to voter registration and voting to all eligible individuals under the supervision of the Probation and Pretrial Services Office, and to facilitate voter registration and voting by such individuals.

(d) The Attorney General shall take appropriate steps, consistent with applicable law, to support formerly incarcerated individuals in obtaining a means of identification that satisfies State voter identification laws, including as required by 18 U.S.C. 4042(a)(6)(B).

Sec. 10. *Establishing a Native American Voting Rights Steering Group.* (a) There is hereby established an Interagency Steering Group on Native American Voting Rights (Steering Group) coordinated by the Domestic Policy Council.

(b) The Steering Group shall be chaired by the Assistant to the President for Domestic Policy and shall include the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs or their designees. The Chair may invite the participation of the heads or senior representatives of other agencies, as the Chair determines to be helpful to complete the work of the Steering Group. The Steering Group shall consult with agencies not represented on the Steering Group to facilitate the sharing of information and best practices, as appropriate and consistent with applicable law.

(c) The Steering Group shall engage in meaningful and robust consultation with Tribal Nations and Native leaders to inform the Steering Group regarding concerns and potential areas of focus for the report described in subsection (d) of this section, and to assist the Steering Group in developing that report.

(d) The Steering Group shall study best practices for protecting voting rights of Native Americans and shall produce a report within 1 year of the date of this order outlining recommendations for providing such protection, consistent with applicable law, including recommendations for:

(i) increasing voter outreach, education, registration, and turnout in Native American communities; increasing voting access for Native American communities (including increasing accessibility for voters with disabilities);

and mitigating internet accessibility issues that may hinder voter registration and ballot access in Native American communities;

(ii) increasing language access and assistance for Native American voters, including evaluating existing best practices;

(iii) mitigating barriers to voting for Native Americans by analyzing and providing guidance on how to facilitate the use of Tribal government identification cards as valid voter identification in Federal, State, local, Tribal, and territorial elections;

(iv) facilitating collaboration among local election officials, Native American communities, and Tribal election offices; and

(v) addressing other areas identified during the consultation process.

(e) The Department of the Interior shall provide administrative support for the Steering Group to the extent permitted by law.

Sec. 11. *Definition.* Except as otherwise defined in section 6 of this order, ''agency'' means any authority of the United States that is an ''agency'' under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

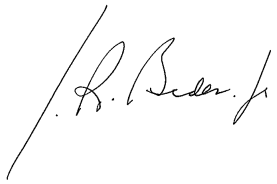
Sec. 12. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
March 7, 2021.

[FR Doc. 2021–05087
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Billing code 3295–F1–P

Rules and Regulations

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Wednesday, March 10, 2021

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 11, 47, 48, 89, 91, and 107

[Docket No.: FAA–2019–1100]

RIN 2120–AL31

Remote Identification of Unmanned Aircraft; Delay

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Final rule; delay of effective and compliance date; correction.

SUMMARY: In accordance with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review,'' the Agency delays the March 16, 2021, effective date of the final rule, ''Remote Identification of Unmanned Aircraft'', until April 21, 2021. As a result of the delay in the effective date, the Agency is also delaying the compliance date for the production requirements for remote identification broadcast modules by correcting the regulatory text.

DATES: As of March 10, 2021, the March 16, 2021, the effective date of the final rule published on January 15, 2021, at 86 FR 4390, is delayed to April 21, 2021.

The incorporation by reference approval published in the January 15, 2021, rule at 86 FR 4390, is delayed to April 21, 2021.

The correction to § 89.520 is effective April 21, 2021.

FOR FURTHER INFORMATION CONTACT: Ben Walsh, Flight Technologies and Procedures Division, Federal Aviation Administration, 470 L'Enfant Plaza SW, Suite 4102, Washington, DC 20024; telephone 1–844–FLY–MY–UA (1–844–359–6981); email: *UAShelp@faa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the Notice of Proposed Rulemaking (NPRM) (84 FR 72438, December 31, 2019), all comments received, the Final Rule, and all background material may be viewed online at *http://www.regulations.gov* using the docket number listed above. A copy of this notice will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *http://www.federalregister.gov* and the Government Publishing Office's website at *http://www.govinfo.gov.*

Background

On January 15, 2021, the final rule, ''Remote Identification of Unmanned Aircraft'' (RIN 2120–AL31) published in the **Federal Register** at 86 FR 4390. The final rule requires the remote identification of unmanned aircraft. The remote identification of unmanned aircraft in the airspace of the United States will address safety, national security, and law enforcement concerns regarding the further integration of these aircraft into the airspace of the United States, laying a foundation for enabling operational capabilities.

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum titled, ''Regulatory Freeze Pending Review.'' The memorandum requested that the heads of executive departments and agencies take steps to ensure the President's appointees or designees have the opportunity to review any new or pending rules. With respect to rules published in the **Federal Register**, but not yet effective, the memorandum asked that agencies consider postponing the rules' effective dates for 60 days from the date of the memorandum for the purpose of reviewing any questions of fact, law, and policy the rules may raise.

In accordance with this direction, the Agency has decided to delay the March 16, 2021, effective date of the final rule, Remote Identification of Unmanned Aircraft (RIN 2120–AL31), until April 21, 2021. Given the highly complex nature and length of Remote Identification of Unmanned Aircraft final rule, this delay in the final rule's March 16, 2021 effective date will afford the President's appointees or designees an opportunity to review the rule and will allow for consideration of any questions of fact, law, or policy that the rule may raise before it becomes effective. On the same day that FAA published the ''Remote Identification of Unmanned Aircraft final rule'', FAA also published the ''Operation of Small Unmanned Aircraft Systems Over People'' final rule (86 FR 4314, January 15, 2021). The adoption of these two rules is inextricably connected. By separate action published elsewhere in this issue of the **Federal Register**, FAA is also delaying the effective date of the Operations of Small Unmanned Aircraft Systems over People final rule.

Additionally, as a result of the delay in the effective date, the March 16, 2021 compliance date in § 89.520 for production requirements for remote identification broadcast modules is delayed until April 21, 2021.

Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Federal Aviation Administration generally offers interested parties the opportunity to comment on proposed regulations and publish rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B) and (d)(3). There is good cause to waive both of these requirements here, as they are impracticable and unnecessary. A delay in the effective date of the final rule, Remote Identification of Unmanned Aircraft, is essential for the President's appointees and designees to have adequate time to review the rule before it takes effect, and neither the notice and comment process nor the delayed effective date could be implemented in time to allow for this review, thereby making notice and comment impracticable. In addition, notice and comment on this delay is unnecessary because the delay is short, the effective dates remain aligned with the Operation of Small Unmanned Aircraft Systems over People final rule, and there is no change to the policy

effectuated by the Remote Identification of Unmanned Aircraft final rule. This delay is insignificant in its nature and impact, and inconsequential to the regulated community and to the public.

Correction

In FR Doc. 2020–28948 (86 FR 4390) published on January 15, 2021, the following correction is made:

§ 89.520 [Corrected]

■ 1. On page 4509, in the third column, in § 89.520, in the introductory text, the date ''March 16, 2021'' is corrected to read ''April 21, 2021''.

Issued in Washington, DC, under the authority provided by 49 U.S.C. 106(f), 40101, 40103, 44701(a)(5), 44805, 44809, and section 2202 of Public Law 114–190, dated on March 4, 2021.

Steve Dickson,

Administrator, Federal Aviation Administration.

[FR Doc. 2021–04882 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 21, 43, and 107

[Docket No. FAA–2018–1087]

RIN 2120–AK85

Operation of Small Unmanned Aircraft Systems Over People; Delay; Withdrawal; Correction

AGENCY: Federal Aviation Administration (FAA) and Office of the Secretary of Transportation (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule; delay of effective and compliance dates; withdrawal; correction.

SUMMARY: In accordance with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review,'' the Agency delays the effective date of the final rule, ''Operation of Small Unmanned Aircraft Systems Over People'', until April 21, 2021, except for certain provisions pertaining to remote pilot certification and qualification, which are delayed until April 6, 2021. As a result of the delay in the effective dates, several compliance dates are also delayed by correcting the regulatory text.

DATES: As of March 10, 2021, the March 1, 2021 effective date for the amendments to §§ 107.61, 107.63, 107.65, 107.73, and 107.74 in the final rule published at 86 FR 4314 (January 15, 2021), which was delayed at 86 FR 11623 (February 26, 2021), is further delayed to April 6, 2021.

As of March 10, 2021, the March 16, 2021 effective date of the final rule published at 86 FR 4314 (January 15, 2021) is delayed to April 21, 2021.

The corrections published at 86 FR 11623 (February 26, 2021) are withdrawn as of March 10, 2021.

The correction to § 107.65 is effective April 6, 2021.

The corrections to §§ 107.29 and 107.140 are effective April 21, 2021.

FOR FURTHER INFORMATION CONTACT: Michael Machnik, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 55 M Street SE, 8th Floor, Washington, DC 20003; telephone 1–844–FLY–MYUA; email: *UASHelp@faa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the notice of proposed rulemaking (NPRM) (84 FR 3856, Feb. 13, 2019), all comments received, the Final Rule, and all background material may be viewed online at *http://www.regulations.gov* using the docket number listed above. A copy of this final rule will also be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.federalregister.gov* and the Government Publishing Office's website at *www.govinfo.gov.*

Background

On January 15, 2021, the ''Operation of Small Unmanned Aircraft Systems Over People'' final rule (RIN 2120–AK85) published in the **Federal Register** at 86 FR 4314. The final rule permits routine operations of small unmanned aircraft over people, moving vehicles, and at night under certain conditions. The final rule also makes changes to the recurrent testing framework and expands the list of persons who may request the presentation of a remote pilot certificate.

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum titled, ''Regulatory Freeze Pending Review.'' The memorandum requested that the heads of executive departments and agencies (agencies) take steps to ensure that the President's appointees or designees have the opportunity to review any new or pending rules. With respect to rules published in the **Federal Register**, but not yet effective, the memorandum asked that agencies consider postponing the rules' effective dates for 60 days from the date of the memorandum for the purpose of reviewing any questions of fact, law, and policy the rules may raise.

In accordance with this direction, the Agency previously decided to delay the effective dates of the amendments to §§ 107.61, 107.63, 107.65, 107.73 and 107.74 of the final rule, ''Operation of Small Unmanned Aircraft Systems Over People'' (RIN 2120–AK85), until March 16, 2021 (FR Doc. 2021–04093, 86 FR 11623, published on February 26, 2021). Given that the ''Operation of Small Unmanned Aircraft Systems Over People'' final rule is a complex and lengthy rulemaking, the Agency decided to further delay the effective dates of the amendments to §§ 107.61, 107.63, 107.65, 107.73 and 107.74 until April, 6, 2021, and to delay until April 21, 2021, the effective date for the remainder of this final rule. The delay in the rule's effective dates will afford the President's appointees or designees an opportunity to review the rule and will allow for consideration of any questions of fact, law, or policy that the rule may raise before it becomes effective.

On the same day that FAA published the ''Operation of Small Unmanned Aircraft Systems Over People'' final rule, FAA also published a final rule concerning remote identification of small unmanned aircraft. The adoption of these two rules is inextricably connected. By separate action published elsewhere in this issue of the **Federal Register**, FAA is also delaying the effective date of the remote identification final rule.

Additionally, as a result of the delay in the effective dates, several corrections are necessary. Some of the compliance dates for § 107.29(a)(1) and (d) regarding the operation of a small unmanned aircraft system at night must be corrected so that they do not precede the new effective date. Similarly, a correction to § 107.65(d) regarding the timing of passing the recurrent aeronautical knowledge test or satisfying training requirements must also be made to conform to the delayed effective date.

Lastly, this document corrects a drafting error in § 107.140(d). Section 107.140(d) should refer to paragraph (b)(3) of § 107.140, rather than paragraph (b)(4). Paragraph (b)(4) does not exist.

Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Agency

generally offers interested parties the opportunity to comment on proposed regulations and publish rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). There is good cause to waive both of these requirements here as they are impracticable and unnecessary. A delay in the effective dates of the final rule, ''Operation of Small Unmanned Aircraft Systems Over People'', is essential for the President's appointees and designees to have adequate time to review the rule before it takes effect, and neither the notice and comment process nor the delayed effective date could be implemented in time to allow for this review, thereby making notice and comment impracticable. In addition, notice and comment on this delay is unnecessary because the delay is short, the effective dates remain aligned with the ''Remote Identification of Unmanned Aircraft'' final rule, and there is no change to the policy effectuated by the ''Operation of Small Unmanned Aircraft Systems over People'' final rule. This delay is insignificant in its nature and impact, and inconsequential to the regulated community and to the public.

Corrections

In FR Doc. 2020–28947 (86 FR 4314) published on January 15, 2021, the following corrections are made:

§ 107.29 [Corrected]

■ 1. As of April 21, 2021, on page 4382, in the second column, in § 107.29, in paragraph (a)(1), the date ''March 1, 2021'' is corrected to read ''April 6, 2021'', and in paragraph (d), the date ''March 16, 2021'' is corrected to read ''April 21, 2021'' everywhere it appears.

§ 107.65 [Corrected]

■ 2. As of April 6, 2021, on page 4383, in the first column, in § 107.65, in paragraph (d), the date ''March 1, 2021'' is corrected to read ''April 6, 2021''.

§ 107.140 [Corrected]

■ 3. As of April 21, 2021, on page 4385, in the second column, in § 107.140, in paragraph (d), remove ''(b)(4)'' and add in its place ''(b)(3)''.

Issued in Washington, DC, under the authority provided by 49 U.S.C. 106(f), 40101 note and 44807, dated on or about March 4, 2021.

Peter Paul Montgomery Buttigieg,

Secretary, Department of Transportation.

Steve Dickson,

Administrator, Federal Aviation Administration.

[FR Doc. 2021–04881 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0791; Project Identifier AD–2020–00676–R; Amendment 39–21438; AD 2021–04–16]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. This AD was prompted by the manufacturer discovering nonconforming threads, resulting in a life limit reduction on multiple landing gear components including threaded hinge pins and main landing gear (MLG) and nose landing gear (NLG) actuator pins. This AD requires a one-time inspection of the landing gear for components with non-conforming threads and removal of any nonconforming threaded hinge pin and MLG and NLG actuator pin. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 14, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 14, 2021.

ADDRESSES: For service information identified in this final rule, contact Sikorsky Aircraft Corporation, Commercial Systems and Services, 124 Quarry Road, Trumbull, CT 06611, United States; phone: 203–416–4000; email: *product_safety.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at website: *https://www.sikorsky360.com/portal/public/index.html#!/welcome.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0791.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0791; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dorie Resnik, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7693; fax: 781–238–7199; email: *dorie.resnik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Sikorsky Model S–92A helicopters, with serial numbers (S/Ns) 920006 through 920334, inclusive. The NPRM published in the **Federal Register** on September 8, 2020 (85 FR 55388). The NPRM was prompted by the manufacturer discovering non-conforming threads, resulting in a life limit reduction on multiple landing gear components including threaded hinge pins and MLG and NLG actuator pins. In the NPRM, the FAA proposed to require a one-time inspection of the landing gear and the removal from service of certain serial-numbered threaded hinge pins part number (P/N) 92250–12281–101 and certain serial-numbered MLG and NLG actuator pins P/N 92250–12287–101 and 92250–12287–103. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final AD

Comments

The FAA received comments from three commenters. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

An individual commenter supported the NPRM.

Comment Not Relevant to the NPRM

An individual commenter submitted information that was not relevant to the NPRM.

Request for the FAA To Change the Cost of Compliance of the AD

Request: Sikorsky requested the FAA revise the On-Condition Costs table. Sikorsky stated the parts cost for P/N 92250–12281–101 should be revised to $4,535.

FAA Response: The FAA agrees. The FAA obtained the cost information provided in the NPRM from Sikorsky's website at *www.sikorsky360.com.* However, as Sikorsky has indicated that the price of the part has increased, the cost information in this final rule is updated accordingly.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously. These changes are consistent with the intent of the proposals in the NPRM. The FAA also determined that these changes will not increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Sikorsky Aircraft Corporation Alert Service Bulletin 92–32–008, Basic Issue, dated January 21, 2020 (the ASB). The ASB describes procedures for a one-time inspection and replacement of non-conforming components on the MLG and NLG. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the Service Information

This AD requires replacement of only affected hinge pins and MLG and NLG actuator pins. The ASB requires replacement of additional parts, such as the MLG and NLG crossbolt and the MLG and NLG upper nut. The FAA has determined that the MLG and NLG crossbolt and the MLG and NLG upper nut fail in a safe and contained manner and therefore are not subject to this AD.

In addition, this AD requires the one-time inspection within 300 hours time in service after the effective date of this AD and any affected hinge pins and MLG and NLG actuator pins be removed from service before further flight. The ASB requires that the inspection and replacement of the affected hinge pins and MLG and NLG actuator pins occur no later than January 21, 2021.

Costs of Compliance

The FAA estimates that this AD affects 85 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect landing gear (right MLG assembly, left MLG assembly, and NLG kit).	1 work-hour × $85 per hour = $85 (per landing gear).	$0	$255 (three landing gear installed on each helicopter).	$21,675

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The FAA has no way of determining the number of helicopters that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace threaded hinge pin, P/N 92250–12281–101	1 work-hour × $85 per hour = $85	$4,535	$4,620
Replace MLG/NLG actuator pin, P/N 92250–12287–101.	1 work-hour × $85 = $85	557	642
Replace MLG/NLG actuator pin, P/N 92250–12287–103.	1 work-hour × $85 = $85	609	694

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all costs in its cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–04–16 Amendment 39–21438; Docket No. FAA–2020–0791; Project Identifier AD–2020–00676–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 14, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters, certificated in any category, with serial numbers (S/Ns) 920006 through 920334 inclusive.

(d) Subject

Joint Aircraft System Component (JASC) Code 3220, Nose/Tail Landing Gear; 3210, Main Landing Gear.

(e) Unsafe Condition

This AD was prompted by the manufacturer determining that because of non-conforming threads, due to a quality escape, the life limit of the threaded hinge pin and main landing gear (MLG) and nose landing gear (NLG) actuator pins is reduced. The FAA is issuing this AD to prevent failure of components on the MLG and NLG. The unsafe condition, if not addressed, could result in damage to the helicopter and reduced ability to control the helicopter during landing.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Actions

Within 300 hours time in service after the effective date of this AD, visually inspect the components of the right MLG assembly, left MLG assembly, and NLG kit for threaded hinge pins, part number (P/N) 92250–12281–101, and actuator pins, P/N 92240–12287–101 and 92240–12287–103, with serial numbers (S/Ns) identified in Table 1 or 2 (threaded hinge pins) or in Table 1 (actuator pins), in Section 3, the Accomplishment Instructions, in the Sikorsky Aircraft Corporation Alert Service Bulletin (ASB) 92–32–008, Basic Issue, dated January 21, 2020 (the ASB).

Note 1 to the introductory text of paragraph (g): See Figures 1 and 2 in Section 3, the Accomplishment Instructions, in the ASB for guidance on performing the visual inspection.

(1) If there is any threaded hinge pin, P/N 92250–12281–101, with an S/N listed in Table 1 or 2 in the ASB, before further flight, remove the threaded hinge pin from service.

(2) If there is any MLG or NLG actuator pin, P/N 92250–12287–101 or P/N 92250–12287–103, with an S/N listed in Table 1 in the ASB, before further flight, remove the actuator pin from service.

(h) Installation Prohibition

As of the effective date of this AD, do not install any threaded hinge pin, P/N 92250–12281–101, or actuator pin, P/N 92240–12287–101 or 92240–12287–103, with an S/N listed in Table 1 or 2 in Section 3, the Accomplishment Instructions, in the ASB, on any helicopter.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

For more information about this AD, contact Dorie Resnik, Aerospace Engineer, Boston ACO Branch, Compliance & Airworthiness Division, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7693; fax: 781–238–7199; email: *dorie.resnik@faa.gov.* You may view the related service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Sikorsky Aircraft Corporation Alert Service Bulletin 92–32–008, Basic Issue, dated January 21, 2020.

(ii) [Reserved]

(3) For Sikorsky service information identified in this AD, contact Sikorsky Aircraft Corporation, Commercial Systems and Services, 124 Quarry Road, Trumbull, CT 06611; phone: 203–416–4000; email: *product_safety.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at: *https://customerportal.sikorsky.com.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on February 9, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04940 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0847; Product Identifier 2018–SW–087–AD; Amendment 39–21434; AD 2021–04–13]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, and AS350D helicopters; Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and Model EC130 B4 and EC130 T2 helicopters. This AD requires a one-time inspection to verify the presence and correct installation of the main rotor mast (MRM) upper bearing retaining rings, a repetitive inspection of the sealant bead on the MRM for damage, and corrective actions if necessary. This AD was prompted by a

report of a missing retaining ring of the inner race of the MRM upper bearing. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective April 14, 2021.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 14, 2021.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0847.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0847; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Scott Franke, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *scott.franke@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, and AS350D helicopters; Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and Model EC130 B4 and EC130 T2 helicopters. The NPRM published in the **Federal Register** on September 21, 2020 (85 FR 59217). The NPRM proposed to require a one-time inspection to verify the presence and correct installation of the MRM upper bearing retaining rings, a repetitive inspection of the sealant bead on the MRM for damage, and corrective actions if necessary. The proposed requirements were intended to detect, and correct if applicable, a missing retaining ring of the inner race of the MRM upper bearing. The FAA is issuing this AD to address this condition, which, if not detected and corrected, can lead to damage to the MRM and surrounding elements, possibly resulting in loss of control of the helicopter.

The NPRM was prompted by EASA AD 2018–0206, dated September 20, 2018 (EASA AD 2018–0206), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for certain Airbus Helicopters Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, and AS350D helicopters; Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and Model EC130 B4 and EC130 T2 helicopters. Model AS355BB helicopters are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those helicopters in the applicability. EASA advises that during a scheduled inspection on an Airbus Helicopters Model AS350B3 helicopter, one of the two retaining rings of the inner race of the MRM upper bearing was found missing. These two retaining rings ensure that the inner race is correctly positioned with respect to the rollers, and, if one or both of these retaining rings are missing, it can lead to an unlimited shift of the inner race and compromise the function of the MRM upper bearing. This condition, if not detected and corrected, can lead to damage to the MRM and surrounding elements, possibly resulting in loss of control of the helicopter.

Airbus Helicopters developed an inspection to check that the upper and lower retaining rings of the inner race of the MRM upper bearing are present and correctly installed. EASA determined that the same condition may exist or develop on Airbus Helicopters Model AS350 helicopters, Model AS355 helicopters, and Model EC130 helicopters because they share a similar design and supply chain. Until the check of the upper and lower bearing retaining rings is accomplished, EASA specifies that repetitive inspections of the MRM upper bearing sealant bead (sealant bead) should be accomplished to ensure the MRM remains serviceable. EASA considers its AD an interim measure pending further investigation results, and notes that further AD action may follow.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received 4 comments in support of the NPRM.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

Although EASA AD 2018–0206 specifies accomplishing the inspection of the installation of the MRM upper bearing inner race retaining rings within 660 hours time in service (TIS) or 24 months, whichever occurs first, the FAA has determined that interval does not address the identified unsafe condition soon enough to ensure an adequate level of safety for the affected fleet. In developing an appropriate compliance time for this AD, the FAA considered the degree of urgency associated with the subject unsafe condition and the manufacturer's recommendation. In light of all of these factors, the FAA finds that a compliance time of within 660 hours TIS or 6 months, whichever occurs first, represents an appropriate interval of time for affected helicopters to continue to operate without compromising safety.

Although paragraph (5) of EASA AD 2018–0206 specifies that operators may contact the manufacturer for instructions if there are signs of degradation on the MRM inner race, paragraph (i)(3) of this AD requires operators to repair or replace the MRM if there is any degradation as indicated by damage to the retaining rings (including but not limited to cracks, scratches, and gouges), deterioration, or wear.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters has issued the following service information.

- Airbus Helicopters Alert Service Bulletin AS350–62.00.42, Revision 0, dated September 17, 2018.
- Airbus Helicopters Alert Service Bulletin AS355–62.00.37, Revision 0, dated September 17, 2018.
- Airbus Helicopters Alert Service Bulletin EC130–62A017, Revision 0, dated September 17, 2018.

This service information describes procedures for a one-time inspection to verify presence and correct installation of the MRM upper bearing retaining rings, a repetitive inspection of the sealant bead on the MRM for damage, and corrective actions. Damage of the sealant bead includes flaws, cracks, folds, separation, or absence of the sealant bead. Corrective actions include repair and replacement. These documents are distinct since they apply to different helicopter models.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 1,212 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 30 work-hours × $85 per hour = Up to $2,550	$0	Up to $2,550	Up to $3,090,600.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 80 work-hours × $85 per hour = Up to $6,800	Up to $33,124	Up to $39,924.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive.

2021–04–13 Airbus Helicopters: Amendment 39–21434; Docket No. FAA–2020–0847; Product Identifier 2018–SW–087–AD.

(a) Effective Date

This Airworthiness Directive (AD) becomes effective April 14, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters, certificated in any category, as identified in paragraphs (c)(1) through (3) of this AD.

(1) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, and AS350D helicopters.

(2) Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters.

(3) Model EC130 B4 and EC130 T2 helicopters.

(d) Subject

Joint Aircraft Service Component (JASC) Code 6230, Main Rotor Mast Inner Race Rings.

(e) Reason

This AD was prompted by a report of a missing retaining ring of the inner race of the main rotor mast (MRM) upper bearing. The FAA is issuing this AD to address this condition, which, if not detected and corrected, can lead to damage to the MRM and surrounding elements, possibly resulting in loss of control of the helicopter.

(f) Compliance

You are responsible for performing each action required by this AD within the

specified compliance time unless it has already been accomplished prior to that time.

(g) Definitions

(1) For the purposes of this AD, an affected part is any MRM having part number (P/N) 350A37–1290–XX (where XX can be any numerical combination) and a serial number as listed in Airbus Helicopters Alert Service Bulletin AS350–62.00.42, Revision 0, dated September 17, 2018; Airbus Helicopters Alert Service Bulletin AS355–62.00.37, Revision 0, dated September 17, 2018; or Airbus Helicopters Alert Service Bulletin EC130–62A017, Revision 0, dated September 17, 2018, as applicable to your model helicopter, unless the upper bearing inner race retaining rings are verified to be installed correctly as specified in the inspection required in paragraph (i)(1) of this AD.

(2) For the purposes of this AD, a Group 1 helicopter is one on which an affected part is installed.

(3) For the purposes of this AD, a Group 2 helicopter is one on which an affected part is not installed.

(h) MRM Upper Sealant Bead Inspection

(1) For Group 1 helicopters, within the compliance time specified in Figure 1 to paragraph (h) of this AD, and, thereafter, at intervals not to exceed 165 hours time-in-service (TIS): Inspect the MRM upper bearing sealant bead for damage in accordance with section 3.B.2.a of the Accomplishment Instructions of Airbus Helicopters Alert Service Bulletin AS350–62.00.42, Revision 0, dated September 17, 2018; Airbus Helicopters Alert Service Bulletin AS355–62.00.37, Revision 0, dated September 17, 2018; or Airbus Helicopters Alert Service Bulletin EC130–62A017, Revision 0, dated September 17, 2018, as applicable to your model helicopter, except you are not required to discard the plastic clamps (Item vv). For the purposes of this inspection, damage may be indicated by flaws, cracks, folds, separation, or absence of the sealant bead.

Figure 1 to paragraph (h) – Initial Inspection of MRM Upper Bearing Sealant Bead

Accumulated Hours TIS	Compliance Time
Less than 115 hours TIS	Before exceeding 165 hours TIS
115 or more hours TIS	Within 50 hours TIS after the effective date of this AD

Note 1 to paragraph (h)(1): Unless specified otherwise, the hours TIS specified in figure 1 to paragraph (h) of this AD are those accumulated on the effective date of this AD by the helicopter since first flight.

(2) If, during any inspection of the MRM upper bearing sealant bead as required by paragraph (h)(1) of this AD, there is damage, before further flight, inspect the installation of the MRM upper bearing inner race retaining rings for discrepancies in accordance with paragraph (i)(1) of this AD.

(i) MRM Inner Race Retaining Rings Inspection

(1) For Group 1 Helicopters: Within 660 hours TIS or 6 months, whichever occurs first after the effective date of this AD: Inspect the installation of the MRM upper bearing inner race retaining rings for discrepancies in accordance with the Accomplishment Instructions of section 3.B.2.b of Airbus Helicopters Alert Service Bulletin AS350 62.00.42, Revision 0, dated September 17, 2018; Airbus Helicopters Alert Service Bulletin AS355–62.00.37, Revision 0, dated September 17, 2018; or Airbus Helicopters Alert Service Bulletin EC130–62A017, Revision 0, dated September 17, 2018, as applicable to your model helicopter, except you are not required to discard the plastic clamps (Item vv). For the purposes of this inspection, discrepancies may be indicated by incorrect positioning or missing rings.

(2) If, during the inspection required by paragraph (i)(1) of this AD there are any discrepancies, before further flight, remove the affected part, inspect the MRM inner race for degradation, and replace the retaining rings in accordance with the Accomplishment Instructions of section 3.B.2.c of Airbus Helicopters Alert Service Bulletin AS350 62.00.42, Revision 0, dated September 17, 2018; Airbus Helicopters Alert Service Bulletin AS355–62.00.37, Revision 0, dated September 17, 2018; or Airbus Helicopters Alert Service Bulletin EC130–62A017, Revision 0, dated September 17, 2018, as applicable to you model helicopter, except you are not required to return parts to Airbus Helicopters. For the purposes of this inspection, degradation is indicated by damage to the retaining rings (including but not limited to cracks, scratches, and gouges), deterioration, or wear.

(3) If, during the inspection of the MRM inner race, as required by paragraph (i)(2) of this AD, there is any degradation, before next flight, repair or replace the MRM.

(j) Terminating Action

Verification on a helicopter of correct installation of the MRM upper bearing inner race retaining rings, as required by paragraph (i)(1) of this AD, or corrective action on a helicopter, as specified in paragraphs (h)(2), (i)(2), or (i)(3) of this AD, as applicable, constitute terminating action for the repetitive inspections required by paragraph (h)(1) of this AD for that helicopter.

(k) Parts Installation Prohibition

As of the effective date of this AD, no person may install, on any helicopter, an affected part as identified in paragraph (g)(1) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Scott Franke, Aviation Safety Engineer, International Validation Branch, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-AVS-AIR-730-AMOC@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, notify your principal inspector or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(m) Related Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0206, dated September 20, 2018. This EASA AD may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0847.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Airbus Helicopters Alert Service Bulletin AS350–62.00.42, Revision 0, dated September 17, 2018.

(ii) Airbus Helicopters Alert Service Bulletin AS355–62.00.37, Revision 0, dated September 17, 2018.

(iii) Airbus Helicopters Alert Service Bulletin EC130–62A017, Revision 0, dated September 17, 2018.

(3) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 800–232–0323 or Fax: 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on February 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04806 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0096; Project Identifier MCAI–2021–00040–R; Amendment 39–21440; AD 2021–04–18]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–23–02, which applied to all Airbus Helicopters Model EC225LP helicopters. AD 2020–23–02 required repetitive inspections of the bearing in the swashplate assembly of the main rotor mast assembly for discrepancies (ceramic balls that have a hard point or sensitive axial play or both) and, depending on the findings, replacement of an affected main rotor mast assembly with a serviceable main rotor mast assembly. Since the FAA issued AD 2020–23–02, the FAA has determined additional main rotor mast assemblies are affected by the unsafe condition. This AD continues to require the actions specified in AD 2020–23–02, and also includes additional affected main rotor mast assemblies; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective March 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 25, 2021.

The FAA must receive comments on this AD by April 26, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0096.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0096; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued AD 2020–23–02, Amendment 39–21318 (85 FR 73607, November 19, 2020) (AD 2020–23–02), which applied to all Airbus Helicopters Model EC225LP helicopters. AD 2020–23–02 required repetitive inspections of the bearing in the swashplate assembly of the main rotor mast assembly for discrepancies (ceramic balls that have a hard point or sensitive axial play or both) and, depending on the findings, replacement of an affected main rotor mast assembly with a serviceable main rotor mast assembly. The FAA issued AD 2020–23–02 to address defective ceramic balls in the bearing installed in the swashplate assembly of the main rotor mast assembly, which could lead to premature spalling of the ball itself and of the bearing, loss of function of the bearing, and overload of the main rotor mast scissor, resulting in reduced control of the helicopter.

Actions Since AD 2020–23–02 Was Issued

Since the FAA issued AD 2020–23–02, the FAA has determined that additional main rotor mast assemblies are affected by the unsafe condition.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0264, dated December 2, 2020 (EASA AD 2020–0264) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model EC225LP helicopters. EASA AD 2020–0264 supersedes EASA AD 2020–0079, dated April 1, 2020 (which corresponds to FAA AD 2020–23–02).

This AD was prompted by a report of a manufacturing and control issue regarding the ceramic balls in the bearing installed in the swashplate assembly of the main rotor mast assembly. The FAA is issuing this AD to address defective ceramic balls in the bearing installed in the swashplate assembly of the main rotor mast assembly, which could lead to premature spalling of the ball itself and of the bearing, loss of function of the bearing, and overload of the main rotor mast scissor, resulting in reduced control of the helicopter. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this AD does not explicitly restate the requirements of AD 2020–

23–02, this AD retains all of the requirements of AD 2020–23–02. Those requirements are referenced in EASA AD 2020–0264, which, in turn, is referenced in paragraph (g) of this AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0264 describes procedures for repetitive inspections of the main rotor mast swashplate assembly for discrepancies (ceramic balls that have a hard point or sensitive axial play or both), and replacement of an affected main rotor mast assembly with a serviceable main rotor mast assembly. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD because the FAA has evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0264 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, in EASA AD 2020–0264 is incorporated by reference in this AD. This AD, therefore, requires compliance with EASA AD 2020–0264 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0264 that is required for compliance with EASA AD 2020–0264 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0096.

Interim Action

The FAA considers this AD interim action and further AD action may follow.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because defective ceramic balls in the bearing installed in the swashplate assembly of the main rotor mast assembly could lead to premature spalling of the ball itself and of the bearing, loss of function of the bearing, and overload of the main rotor mast scissor, resulting in reduced control of the helicopter. This AD adds other affected main rotor mast assemblies to those identified in AD 2020–23–02. In addition, the compliance time for the initial instance of the repetitive inspections is 50 hours time-in-service, a time period of less than 2 months based on the average flight-hour utilization rate of these helicopters. Accordingly, the compliance time for the required action is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0096; Project Identifier MCAI–2021–00040–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule

without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 30 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Actions	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2020-23-02	4 work-hours × $85 per hour = $340	$0	$340	$10,200
New actions	4 work-hours × $85 per hour = $340	0	340	10,200

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required action. The FAA has no way of determining the number of helicopters that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
100 work-hours × $85 per hour = $8,500	(*)	*$8,500

*Airbus Helicopters informed the FAA that the parts cost will vary for each aircraft, and be determined by several factors, including the condition of the returned assembly. Airbus Helicopters provided information indicating the cost may be as low as $270,000 per aircraft. For the purposes of this AD, the FAA estimates the average cost will be between $270,000 and $500,000 per aircraft.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2020–23–02, Amendment 39–21318 (85 FR 73607, November 19, 2020), and adding the following new AD:

2021–04–18 Airbus Helicopters: Amendment 39–21440; Docket No. FAA–2021–0096; Project Identifier MCAI–2021–00040–R.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 25, 2021.

(b) Affected ADs

This AD replaces AD 2020–23–02, Amendment 39–21318 (85 FR 73607, November 19, 2020) (AD 2020–23–02).

(c) Applicability

This AD applies to Airbus Helicopters Model EC225LP helicopters, certificated in any category, all manufacturer serial numbers.

(d) Subject

Joint Aircraft System Component (JASC) Code 6230, Main Rotor Mast/Swashplate.

(e) Reason

This AD was prompted by a report of a manufacturing and control issue regarding the ceramic balls in the bearing installed in the swashplate assembly of the main rotor mast assembly. The FAA is issuing this AD to address defective ceramic balls in the bearing installed in the swashplate assembly of the main rotor mast assembly, which could lead to premature spalling of the ball itself and of the bearing, loss of function of the bearing, and overload of the main rotor mast scissor, resulting in reduced control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0264, dated December 2, 2020 (EASA AD 2020–0264).

(h) Exceptions to EASA AD 2020–0264

(1) Where EASA AD 2020–0264 refers to April 15, 2020 (the effective date of EASA AD 2020–0079), this AD requires using December 4, 2020 (the effective date of AD 2020–23–02).

(2) Where Table 1 of EASA AD 2020–0264 specifies a column heading of ''FH Accumulated,'' for this AD use hours time-in-service accumulated as of December 4, 2020 (the effective date of AD 2020–23–02).

(3) Where Table 2 of EASA AD 2020–0264 specifies a column heading of ''FH Accumulated,'' for this AD use hours time-in-service accumulated as of the effective date of this AD.

(4) Where EASA AD 2020–0264 refers to its effective date, this AD requires using the effective date of this AD.

(5) The ''Remarks'' section of EASA AD 2020–0264 does not apply to this AD.

(6) Although the service information referenced in EASA AD 2020–0264 specifies to return certain parts, this AD requires removing those parts from service instead.

(7) Where the service information referenced in EASA AD 2020–0264 specifies ''compliance with the works steps concerned with the check is described in a video'' this AD requires a complete rotation of the swashplate in both directions using a rate of one revolution per minute.

(8) Where EASA AD 2020–0264 refers to flight hours (FH), this AD requires using hours time-in-service. The guidance provided by Note 1 to Table 1 and Table 2 in EASA AD 2020–0264 is still applicable.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0264 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: 817–222–5110. Information may be emailed to: *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

(1) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0264, dated December 2, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0264, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0096.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on February 10, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04869 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0673; Product Identifier 2020–NM–076–AD; Amendment 39–21395; AD 2021–02–12]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to all Airbus SAS Model A330–200 series airplanes, Model A330–200 Freighter series airplanes, Model A330–300 series airplanes, Model A330–900 series airplanes, Model A340–200 series airplanes, Model A340–300 series airplanes, Model A340–500 series airplanes, Model A340–600 series airplanes, Model A380–800 series airplanes; and Model A350–941 and –1041 airplanes. As published, multiple references to a European Union Aviation Safety Agency (EASA) AD number are incorrect throughout the AD. This document corrects those errors. In all other respects, the original document remains the same.

DATES: This correction is effective March 30, 2021. The effective date of AD 2021–02–12 remains March 30, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 30, 2021 (86 FR 10787, February 23, 2021).

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3225; email: *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION: AD 2021–02–12, Amendment 39–21395 (86 FR 10787, February 23, 2021) (AD 2021–02–12), currently requires repair of each affected part, or replacement with a serviceable part, as specified in an EASA AD. AD 2021–02–12 applies to all Airbus SAS Model A330–200 series airplanes, Model A330–200 Freighter series airplanes, Model A330–300 series

airplanes, Model A330–900 series airplanes, Model A340–200 series airplanes, Model A340–300 series airplanes, Model A340–500 series airplanes, Model A340–600 series airplanes, Model A380–800 series airplanes; and Model A350–941 and –1041 airplanes.

Need for the Correction

As published, the EASA AD number in the preamble and regulatory text is incorrectly identified as ''EASA AD 2020–100R1,'' where the correct identification is ''EASA AD 2020–0100R1.''

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0100R1, dated November 4, 2020, describes procedures for repair of each affected part, or replacement with a serviceable part. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section

Correction of Publication

This document corrects multiple errors and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains March 30, 2021.

Since this action only corrects references to an EASA AD number, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

39.13 [Corrected]

■ 2. The FAA amends § 39.13 by revising the following new airworthiness directive to read:

2021–02–12 Airbus SAS: Amendment 39–21395; Docket No. FAA–2020–0673; Product Identifier 2020–NM–076–AD.

(a) Effective Date

This airworthiness directive (AD) is effective March 30, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (10) of this AD, certificated in any category.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A330–941 airplanes.

(5) Model A340–211, –212, and –213 airplanes.

(6) Model A340–311, –312, and –313 airplanes.

(7) Model A340–541 airplanes.

(8) Model A340–642 airplanes.

(9) Model A350–941 and –1041 airplanes.

(10) Model A380–841, –842, and –861 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by a report of a quality issue with a certain repair method of damage-through honeycomb core cargo linings by speed patches applied to both sides. The FAA is issuing this AD to address reduced ability of repaired linings to contain smoke or fire, resulting in an increased risk of an uncontained fire in the cargo compartment and consequent structural damage to the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0100R1, dated November 4, 2020 (EASA AD 2020–0100R1).

(h) Exceptions to EASA AD 2020–0100R1

(1) Where EASA AD 2020–0100R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0100R1 refers to ''19 May 2020 [the effective date of EASA AD 2020–0100 at original issue],'' this AD requires using the effective date of this AD.

(3) Where task Aircraft Maintenance Manual (AMM) A330–A–25–XX–3743–02001–690A–C specified in Airbus Service Bulletin A330–25–3743, dated September 23, 2019, states the measured dimension shall be equal to or more than ''30 mm (1.81 in),'' this AD requires using the measured dimension of ''30 mm (1.18 in).''

(4) Where AMM task A330–A–25–XX–3743–01001–520A–A of Airbus Service Bulletin A330–25–3743, dated September 23, 2019, states, ''For the FWD cargo-compartment, refer to Ref. AMM Task 25–54–00–000–801,'' this AD requires using, ''For the FWD cargo-compartment, refer to Ref. AMM Task 25–52–00–000–801.''

(5) The ''Remarks'' section of EASA AD 2020–0100R1 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3225; email: *dan.rodina@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on March 30, 2021 (86 FR 10787, February 23, 2021).

(i) European Union Aviation Safety Agency (EASA) AD 2020–0100R1, dated November 4, 2020.

(ii) [Reserved]

(4) For EASA AD 2020–0100R1, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(5) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673.

(6) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on March 3, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04784 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0923; Airspace Docket No. 20–AEA–18]

RIN 2120–AA66

Amendment, Establishment, and Revocation of Multiple Air Traffic Service (ATS) Routes in the Vicinity of Henderson, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Jet Route J–134, Area Navigation (RNAV) route Q–67, and VHF Omnidirectional Range (VOR) Federal airways V–45 and V–119; establishes RNAV route Q–176; and removes Jet Route J–91 and VOR Federal airway V–174 in the vicinity of Henderson, WV. The Air Traffic Service (ATS) route modifications are necessary due to the planned decommissioning of the VOR portion of the Henderson, WV, VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID). The Henderson VORTAC provides navigation guidance for portions of the affected air traffic service (ATS) routes and the VOR portion is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, June 17, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2020–0923 in the **Federal Register** (85 FR 70093; November 4, 2020), to amend Jet Route J–134, RNAV route Q–67, and VOR Federal airways V–45 and V–119; establish RNAV route Q–176; and remove Jet Route J–91 and VOR Federal airway V–174 in the vicinity of Henderson, WV. The proposed amendment, establishment, and revocation actions were due to the planned decommissioning of the VOR portion of the Henderson, WV, VORTAC NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Subsequent to the NPRM, the Office of the Federal Register published a NPRM correction for Docket No. FAA–2020–0923 in the **Federal Register** (85 FR 71293; November 9, 2020), correcting the RNAV route formatting for the Q–67 and Q–176 descriptions in the regulatory text and also adding the missing ''Paragraph 6010(a) Domestic VOR Federal Airways'' heading between the RNAV route Q–176 and VOR Federal airway V–45 descriptions in the regulatory text. The correct RNAV route formatting and Domestic VOR Federal Airways heading are included in the regulatory text in this rule.

Additionally, subsequent to the NPRM, the FAA published a rule for Docket No. FAA–2020–0709 in the **Federal Register** (85 FR 79117; December 9, 2020), amending VOR Federal airway V–119 by removing the airway segment overlying the Clarion, PA, VOR/Distance Measuring Equipment (VOR/DME) between the Indian Head, PA, VORTAC and the Clarion, PA, VOR/DME. That airway amendment, effective February 25, 2021, is included in this rule.

Lastly, the state reference for the Henderson, WV, VORTAC was incorrectly listed as Kentucky (KY) in the Proposal section of the NPRM for Jet Routes J–91 and J–134. The correct state is WV and this action corrects those errors.

Jet Routes are published in paragraph 2004, United States RNAV Q-routes are published in paragraph 2006, and VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The ATS routes listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by modifying Jet Route J–134, RNAV route Q–67, and VOR Federal airways V–45 and V–119; establishing RNAV route Q–176; and removing Jet Route J–91 and VOR Federal airway V–174. The planned decommissioning of the VOR portion of the Henderson, WV, VORTAC has made this action necessary.

The Jet Route changes are outlined below.

J–91: J–91 extends between the Volunteer, TN, VORTAC and the Henderson, WV, VORTAC. The route is removed in its entirety.

J–134: J–134 extends between the Los Angeles, CA, VORTAC and the Linden, VA, VORTAC. The airway segment overlying the Henderson, WV, VORTAC between the Falmouth, KY, VOR/DME and the Linden, VA, VORTAC is removed. The unaffected portions of the existing route remain as charted.

The RNAV route changes are outlined below.

Q–67: Q–67 extends between the SMTTH, TN, waypoint (WP) and the DARYN, WV, WP. The route end point is changed from the DARYN, WV, WP to the Henderson, WV, DME (located approximately 1 nautical mile southwest of the DARYN WP), and the number of route points listed in the description are reduced while retaining the route as charted. Additionally, the TONIO, KY, fix, which is being retained in the route description, is changed to reflect the fix as a WP. The route will continue to provide RNAV routing capability from the Knoxville, TN, area northeastward to the Henderson, WV, area.

Q–176: Q–176 is a new route that extends between the Cimarron, NM, VORTAC and the OTTTO, VA, WP. This RNAV route mitigates the loss of the J–134 route segment between the Falmouth, KY, VOR/DME and the Linden, VA, VORTAC and is a direct overlay of the existing J–134. Additionally, it provides RNAV routing capability from the Cimarron, NM, area eastward to the Front Royal, VA, area.

The VOR Federal airway changes are outlined below.

V–45: V–45 extends between the New Bern, NC, VOR/DME and the Appleton, OH, VORTAC; and between the Saginaw, MI, VOR/DME and the Sault Ste. Marie, MI, VOR/DME. The airway segment overlying the Henderson, WV, VORTAC between the Charleston, WV, VOR/DME and the Appleton, OH, VORTAC is removed. The unaffected portions of the existing airway remain as charted.

V–119: V–119 extends between the Henderson, WV, VORTAC and the Indian Head, PA, VORTAC. The airway segment overlying the Henderson, WV, VORTAC between the Henderson, WV, VORTAC and the Parkersburg, WV, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–174: V–174 extends between the York, KY, VORTAC and the Elkins, WV, VORTAC. The airway is removed in its entirety.

All NAVAID radials in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of modifying Jet Route J–134, RNAV route Q–67, and VOR Federal airways V–45 and V–119; establishing RNAV route Q–176; and removing Jet Route J–91 and VOR Federal airway V–174, due to the planned decommissioning of the VOR portion of the Henderson, WV, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321et seq) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J–91 [Removed]

* * * * *

J–134 [Amended]

From Los Angeles, CA; Seal Beach, CA; Thermal, CA; Parker, CA; Drake, AZ; Gallup, NM; Cimarron, NM; Liberal, KS; Wichita, KS; Butler, MO; St Louis, MO; to Falmouth, KY.

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–67 SMTTH, TN to Henderson, WV (HNN) [Amended]

SMTTH, TN	WP	(Lat. 35°54′41.57″ N, long. 084°00′19.74″ W)
TONIO, KY	WP	(Lat. 37°15′15.20″ N, long. 083°01′47.53″ W)
Henderson, WV (HNN)	DME	(Lat. 38°45′14.85″ N, long. 082°01′34.20″ W)

* * * * * * *

Q–176 Cimarron, NM (CIM) to OTTTO, VA [New]

Cimarron, NM (CIM)	VORTAC	(Lat. 36°29′29.03″ N, long. 104°52′19.20″ W)
KENTO, NM	WP	(Lat. 36°44′19.10″ N, long. 103°05′57.13″ W)
Liberal, KS (LBL)	VORTAC	(Lat. 37°02′39.82″ N, long. 100°58′16.31″ W)
Wichita, KS (ICT)	VORTAC	(Lat. 37°44′42.92″ N, long. 097°35′01.79″ W)
Butler, MO (BUM)	VORTAC	(Lat. 38°16′19.49″ N, long. 094°29′17.74″ W)
St Louis, MO (STL)	VORTAC	(Lat. 38°51′38.48″ N, long. 090°28′56.52″ W)
GBEES, IN	FIX	(Lat. 38°41′54.72″ N, long. 085°10′13.03″ W)
BICKS, KY	WP	(Lat. 38°38′29.92″ N, long. 084°25′20.82″ W)
Henderson, WV (HNN)	DME	(Lat. 38°45′14.85″ N, long. 082°01′34.20″ W)
OTTTO, VA	WP	(Lat. 38°51′15.81″ N, long. 078°12′20.01″ W)

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–45 [Amended]

From New Bern, NC; Kinston, NC; Raleigh-Durham, NC; INT Raleigh-Durham 275° and Greensboro, NC, 105° radials; Greensboro; INT Greensboro 334° and Pulaski, VA, 147° radials; Pulaski; Bluefield, WV; to Charleston, WV. From Saginaw, MI; Alpena, MI; to Sault Ste Marie, MI.

* * * * *

V–119 [Amended]

From Parkersburg, WV; INT Parkersburg 067° and Indian Head, PA, 254° radials; to Indian Head.

* * * * *

V–174 [Removed]

* * * * *

Issued in Washington, DC, on March 4, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–04851 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0935; Airspace Docket No. 20–ANE–4]

RIN 2120–AA66

Establishment of Class E Airspace; Calais, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface for Calais Regional Heliport, Calais, ME, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this heliport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, April 22, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave, College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Calais Regional Heliport, Calais, ME, to support IFR operations in the area.

History

The FAA published a notice of prosed rulemaking in the **Federal Register** (85 FR 70092, November 4, 2020) for Docket No. FAA–2020–0935 to establish Class E airspace extending upward from 700 feet above the surface at Calais Regional Heliport, Calais, ME. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraph 6005, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6-mile radius at Calais Regional Heliport, Calais, ME, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at heliport. Subsequent to publication of the NPRM, the FAA found the geographic coordinates in the airport's description were incorrect. This action makes the correction.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 20, 2020, effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANE ME E5 Calais, ME [New]

Calais Regional Heliport, ME
(Lat. 45°10′38″N, long. 67°16′05″W)

That airspace extending upward from 700 feet above the surface of the earth within a 6-mile radius of Calais Regional Heliport.

Issued in College Park, Georgia, on March 2, 2021.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–04823 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release No. 34–90442; File No. S7–19–15]

RIN 3235–AL98

Amendments to the Commission's Rules of Practice; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: The Securities and Exchange Commission (''Commission'') is correcting a final rule that appeared in the **Federal Register** on December 30, 2020. The final rule adopted amendments to its Rules of Practice to require persons involved in Commission administrative proceedings to file and serve documents electronically.

DATES: The corrections are effective March 10, 2021.

FOR FURTHER INFORMATION CONTACT: Naomi P. Lewis, Office of the Secretary (202) 551–5400, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In FR Doc. 2020–25747, starting on page 86464 in the **Federal Register** of December 30, 2020, the following corrections are made:

1. On page 86464, in column 3, the file number is corrected to read ''S7–19–15''.

2. On page 86464, in column 3, the RIN number is corrected to read ''3235–AL98''.

Dated: March 5, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04960 Filed 3–9–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 3280, 3282 and 3285

[Docket No. FR–6149–F–04]

RIN 2502–AJ49

Manufactured Home Construction and Safety Standards; Delay of Effective Date

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; delay of effective date.

SUMMARY: The Department of Housing and Urban Development is delaying the effective date of its final rule published on January 12, 2021, that amends the Federal Manufactured Home Construction and Safety Standards (the Construction and Safety Standards) that were based upon the third group of recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC), as modified by HUD. The March 15, 2021, effective date does not provide adequate time for affected manufacturers and stakeholders to implement the new requirements. By extending the effective date from March 15, 2021, to July 12, 2021, manufacturers and other stakeholders will have sufficient time to implement the new or amended requirements.

DATES: As of March 10, 2021 the effective date of the final rule amending 24 CFR parts 3280, 3282, and 3285, published January 12, 2021 at 86 FR 2496, is delayed until July 12, 2021. As of March 10, 2021 the March 15, 2021 incorporation by reference approval published in the January 12, 2021 rule at 86 FR 2496 is delayed to July 12, 2021.

FOR FURTHER INFORMATION CONTACT: Teresa B. Payne, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Room 9166, Washington, DC 20410–8000; telephone number 202–402–2698 (this is not a toll-free number). For hearing and speech-impaired persons, this number may be accessed via TTY by calling the toll-free Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401–5426) (the Act), authorizes HUD to establish and amend the Federal Manufactured Home Construction and Safety Standards (the Construction and Safety Standards) codified at 24 CFR part 3280. The Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569, approved December 27, 2000), established the Manufactured Housing Consensus Committee (MHCC) to provide HUD recommendations to adopt, revise, and interpret the Construction and Safety Standards. HUD's Construction and Safety Standards apply to the design, construction, and installation of new manufactured homes.

Following MHCC's third set of recommendations made to HUD, and HUD's review of, editorial revisions to, and addition of proposals to the MHCC's recommendations, HUD published a proposed rule on January 31, 2020 (85 FR 5589). Most commenters on the proposed rule expressed general support for the proposed revisions as part of HUD's effort to update the Construction and Safety Standards, and several commenters provided technical and substantive recommendations. Following HUD's consideration of public comments on the proposed rule, and consideration of HUD's experience with the program, HUD published a final rule on January 12, 2021 (86 FR 2496). The final rule revises certain sections of the Construction and Safety Standards, incorporates six reference standards, and makes minor technical edits to the Construction and Safety Standards. The amendments to the codified regulations reinforce the Act's purposes, namely to provide benefits to consumers, homeowners, and the broader community; promote and improve consumer and home safety, such as by improving smoke and carbon monoxide alarm requirements; reduce regulatory barriers and expand consumer options; and allow the use of the latest building technologies and materials while creating more consistency with State-adopted residential building codes.

II. This Final Rule

HUD's January 12, 2021, final rule has a March 15, 2021, effective date. This final rule delays the March 15, 2021, effective date by 120 days to July 12, 2021, to provide sufficient time for affected stakeholders and manufacturers to implement the new and amended requirements.

HUD recognizes that, as the result of the COVID–19 pandemic, many manufacturers are experiencing backlogs and supply chain challenges that make it difficult for manufacturers to obtain products that the new regulations require in a timely manner.[1] Industry stakeholders stated that these shortages have made it difficult for manufactures to obtain carbon monoxide alarms, combination carbon monoxide and smoke alarms, doors, railings, and other products required to meet the January 12, 2021 regulation. Industry stakeholders have also expressed to HUD a desire for additional time to implement and modify processes to ensure compliance with the new regulation. For example, stakeholders have pointed out that the changes will require consultation with Design Approval Primary Inspection Agencies (DAPIAs) and drafting teams which take additional time.

In response to these concerns, HUD is publishing this final rule to delay the March 15, 2021 effective date to July 12, 2021, to provide additional time for affected stakeholders and manufacturers to implement the new and amended requirements.

III. Justification for Final Rulemaking for the Delay of Effective Date

Section 553(b)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)) permits agencies to omit prior notice and comment procedure when an agency for ''good cause'' finds such procedure to be ''impracticable, unnecessary, or contrary to the public interest.'' HUD's regulation on rulemaking at 24 CFR 10.1 implements the APA's requirements for HUD, including the ''good cause'' exception.

HUD finds that prior public notice and comment for this final rule is contrary to the public interest. This final rule extends the effective date for the Manufactured Home Construction and Safety Standards final rule for 120 days, from March 15, 2021, to July 12, 2021. It does not signal any revision of the requirements included in the January 12, 2021, final rule. All revisions to the Manufactured Home Construction and Safety Standards codified by the January 12, 2021, final rule will still be implemented without change.

Without this extension, manufacturers would be hard pressed to implement and meet new requirements that were scheduled to take effect on March 15, 2021. The inability to meet the March 15, 2021, effective date is largely a result of the COVID–19 pandemic and its disruption of economic activity in the United States, including backlogs and supply chain disruptions within the manufactured housing industry, making compliance by March 15, 2021 unlikely if not impossible. Manufacturers and stakeholders expressed this concern to HUD and asked for additional time to implement and modify processes to ensure compliance with new regulations. Delaying the effective date of the final rule will allow manufacturers and program stakeholders the additional time needed to obtain the products and implement the procedures required to comply with new or amended requirements. For these reasons, HUD finds that there is good cause to issue this final rule without additional public comment.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This rule has been determined not to be a ''significant regulatory action'' as defined in section 3(f) of the Executive order and therefore

[1] *Manufactured Housing Landscape 2020,* Fannie Mae (May 21, 2020) *https://multifamily.fanniemae.com/news-insights/multifamily-market-commentary/manufactured-housing-landscape-2020.*

was not reviewed by OMB. The Office of Information and Regulatory Affairs (OIRA) has designated this rule not as a major rule under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act (PRA), an agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements contained in this final rule have been approved by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0253.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This rule will not impose any Federal mandates on any state, local, or tribal government or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995.

Environmental Review

A Finding of No Significant Impact with respect to the environment was made prior to publication of the proposed rule, in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact remains applicable, and is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–0500. The Finding of No Significant Impact will also be available for review in the docket for this rule on *Regulations.gov.*

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. HUD has determined that this final rule imposes no additional requirements, and does not have a significant economic impact, on a substantial number of small entities. Of the 222 firms primarily engaged in manufacturing manufactured homes, under the NAICS definition (NAICS 32991), approximately 35 produce manufactured homes subject to HUD's Manufactured Home Construction and Safety Standards. Of these firms, 31 are considered to be small businesses based on the U.S. Small Business Administration's threshold of 1,250 employees or less. The final rule applies to all the manufacturers and thus would affect a substantial number of small entities. However, this final rule provides all manufacturers, including small manufacturers, more time to implement revisions to the Construction and Safety Standards contained in HUD's January 12, 2021 final rule, but does not itself update or amend the Standards. As a result, this rule does not place any additional costs on any manufactured home manufacturers subject to the January 12, 2021, final rule. Accordingly, the undersigned certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive order.

Authority: 15 U.S.C. 2697, 28 U.S.C. 2461 note, 42 U.S.C. 3535(d), 5403, 5404, 5424.

Susan A. Betts,

Deputy Assistant Secretary for Finance and Budget, Office of Housing—Federal Housing Administration.

[FR Doc. 2021–05010 Filed 3–9–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9936]

RIN 1545–BO59

Guidance on Passive Foreign Investment Companies; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations Treasury Decision 9936, that were published in the **Federal Register** on Friday, January 15, 2021. The final regulations regarding the determination of whether a foreign corporation is treated as a passive foreign investment company (''PFIC'') for purposes of the Internal Revenue Code (''Code''), and the application and scope of certain rules that determine whether a United States person that indirectly holds stock in a PFIC is treated as a shareholder of the PFIC.

DATES: These corrections are effective on March 10, 2021 and applicable on or after January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations §§ 1.1291–0 and 1.1291–1, 1.1297–0 through 1.1297–2, 1.1298–0, 1.1298–2, and 1.1298–4, Christina G. Daniels at (202) 317–6934; concerning the regulations §§ 1.1297–4 and 1.1297–6, Josephine Firehock at (202) 317–4932 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9936) that are the subject of this correction are issued under sections 1297 and 1298 of the Internal Revenue Code.

Need for Correction

As published on January 15, 2021 (86 FR 4516), the final regulations (TD 9936) contain errors that need to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.1297–0 is amended by revising the entry for § 1.1297–2(g)(12) to read as follows:

§ 1.1297–0 Table of contents.

* * * * *

§ 1.1297–2 Special rules regarding look-through subsidiaries and look-through partnerships.

* * * * *

(g) * * *

(12) TFC obligation.

* * * * *

■ **Par. 3.** Section 1.1297–1 is amended by:

■ a. Removing ''§ 1.1297–2(b)(2)(i))'' in the first sentence of paragraph (d)(1)(v)(C)(*1*) and adding in its place ''§ 1.1297–2(b)(2)(i)''.

■ b. Revising paragraph (f)(8).

The revision reads as follows:

§ 1.1297–1 Definition of passive foreign investment company.

* * * * *

(f) * * *

(8) *Related person.* For purposes of applying the rules of this section and § 1.1297–2 with respect to section 1297(b)(2)(C), the term means a *related person* within the meaning of section 954(d)(3).

* * * * *

■ **Par. 4.** Section 1.1297–2 is amended by:

■ a. Removing ''of this section))'' in the first sentence of paragraph (b)(3)(i) and adding in its place ''of this section)''.

■ b. Revising the first sentence of paragraph (c)(4)(iii)(B).

■ c. Removing ''PFIC .'' at the end of paragraph (e)(3)(i)(B)(*1*) and adding in its place ''PFIC.''

■ d. Revising the first sentence of paragraph (g)(4)(iv)(A)(*2*)(*iii*).

The revisions read as follows:

§ 1.1297–2 Special rules regarding look-through subsidiaries and look-through partnerships.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

(B) * * * The results are the same as in paragraph (c)(4)(ii)(B) of this section (the results in *Example 2*), except that TFC's assets also do not include the stock of LTS2.

* * *

* * * * *

(g) * * *

(4) * * *

(iv) * * *

(A) * * *

(*2*) * * *

(*iii*) * * * For purposes of paragraph (b)(3) of this section, FPS qualifies as a look-through partnership because TFC satisfies the active partner tests of both paragraphs (g)(4)(ii)(A) and (B) of this section. * * *

* * * * *

■ **Par. 5.** Section 1.1297–4 is amended by:

■ a. Revising paragraph (d)(6).

■ b. Removing ''written by a'' in paragraph (f)(5) and adding in its place ''written by, a''.

The revision reads as follows:

§ 1.1297–4 Qualifying insurance corporation.

* * * * *

(d) * * *

(6) *Stock ownership.* For purposes of this section, ownership of stock in a foreign corporation means either direct ownership of such stock or indirect ownership determined using the rules specified in § 1.1291–1(b)(8) (but without regard to the 50 percent ownership requirement of § 1.1291–1(b)(8)(ii)(A)).

* * * * *

■ **Par. 6.** Section 1.1298–2 is amended by revising the second sentence of paragraph (c)(3), the second sentence of paragraph (f)(1)(i)(B), and the first sentence of paragraph (f)(2)(ii) to read as follows:

§ 1.1298–2 Rules for certain corporations changing businesses.

* * * * *

(c) * * *

(3) * * * However, if activities performed by the officers and employees of a look-through subsidiary of a corporation or of a look-through partnership (including a look-through subsidiary or a look-through partnership with respect to which paragraph (d) of this section applies) would be taken into account by the corporation pursuant to § 1.1297–2(e) if it applied, such activities are taken into account for purposes of the determination of the existence of an active trade or business and the determination of whether assets are used in an active trade or business.

* * * * *

(f) * * *

(1) * * *

(i) * * *

(B) * * * The residual gain computed under § 1.1297–2(f)(2) on the sale of the FS stock is $10x. * * *

* * * * *

(2) * * *

(ii) * * * The results are the same as in paragraph (f)(1)(ii) of this section (the results in *Example 1*), except that under paragraph (c)(1) of this section, the passive income considered attributable to proceeds from a disposition of one or more active trades or businesses is $4x (from investment of disposition proceeds). * * *

* * * * *

§ 1.1298–4 [Amended]

■ **Par. 7.** Section 1.1298–4(f) is amended by removing ''Janyuary'' and adding in its place ''January''.

Crystal Pemberton,

Senior Federal Register Liaison, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2021–04789 Filed 3–9–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9936]

RIN 1545–BO59

Guidance on Passive Foreign Investment Companies; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations; correction.

SUMMARY: This document contains corrections to the final regulations (Treasury Decision 9936), that were published in the **Federal Register** on Friday, January 15, 2021. The final regulations regarding the determination of whether a foreign corporation is treated as a passive foreign investment company (''PFIC'') for purposes of the Internal Revenue Code (''Code''), and the application and scope of certain rules that determine whether a United States person that indirectly holds stock in a PFIC is treated as a shareholder of the PFIC.

DATES: These corrections are effective on March 10, 2021 and applicable on or after January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations §§ 1.1291–0 and 1.1291–1, 1.1297–0 through 1.1297–2, 1.1298–0, 1.1298–2, and 1.1298–4, Christina G. Daniels at (202) 317–6934; concerning the regulations §§ 1.1297–4 and 1.1297–6, Josephine Firehock at (202) 317–4932 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9936) that are the subject of this correction are issued under sections 1297 and 1298 of the Internal Revenue Code.

Need for Correction

As published the final regulations (TD 9936) that contain errors that need to be corrected.

Correction of Publication

Accordingly, the final regulations (TD 9936) that are the subject of FR Doc. 2020–27009, which published on January 15, 2021 (86 FR 4516), are corrected as follows:

1. On page 4532, the third column, the ninth line from the bottom of the last partial paragraph, the language ''claims'' is corrected to read ''claims,''.
2. On page 4534, the third column, the tenth line from the bottom of the first partial paragraph, the language ''1000'' is corrected to read ''1,000''.
3. On page 4541, the third column, the last line of the third paragraph by removing the language ''Id.''.
4. On page 4553, the second column, the last line of the first full paragraph, the language ''[X]'' is corrected to read ''1545–1002''.

Crystal Pemberton,

Senior Federal Register Liaison, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2021–04790 Filed 3–9–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0133]

RIN 1625–AA87

Security Zone; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for all navigable waters within a 200-yard radius of the U.S. Coast Guard Cutter (USCGC) BERTHOLF while berthed at 10th Avenue Marine Terminal in San Diego, CA. The security zone is needed to protect the military vessel, personnel in and around the military vessel, navigable waterways, and waterfront facilities. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port San Diego.

DATES: This rule is effective from 8:30 a.m. until 10:30 a.m. on March 10, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0133 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant John Santorum, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone 619–278–7656, email *MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable based on the unpredictable nature of vessel operations and the fact that details of the port call were not finalized until March 3, 2021. This security zone is required to protect the military vessel, personnel in and around the military vessel, navigable waterways, and waterfront facilities while the vessel is docked at the 10th Avenue Marine Terminal. It is impracticable to publish an NPRM because we must establish this security zone by March 10, 2021.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because the security zone is needed on March 10, 2021 to provide for the security of the military vessel, personnel in and around the military vessel, navigable waterways, and waterfront facilities while the vessel is docked at the 10th Avenue Marine Terminal.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector San Diego (COTP) has determined that the presence of the military vessel at this location presents a potential target for terrorist attack, sabotage, or other subversive acts, accidents, or other causes of similar nature. This rule is needed to protect the military vessel, personnel in and around the military vessel, navigable waterways, and waterfront facilities while the vessel is docked at the 10th Avenue Marine Terminal.

IV. Discussion of the Rule

This rule establishes a security zone from 8:30 a.m. until 10:30 a.m. on March 10, 2021. The security zone will cover all navigable waters within a 200-yard radius around the USCGC BERTHOLF while berthed at 10th Avenue Marine Terminal in San Diego, CA. The duration of the zone is intended to protect the military vessel, personnel in and around the military vessel, navigable waterways, and waterfront facilities while the vessel is docked at the 10th Avenue Marine Terminal. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and limited duration of the security zone. This zone impacts a small designated area of the San Diego Bay for a very limited period. Furthermore, vessel traffic can safely transit around the security zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the security zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a security zone lasting only 2 hours on the navigable waters of San Diego Bay. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–050 to read as follows:

§ 165.T11–050 Security Zone; San Diego Bay; San Diego, CA.

(a) *Location.* The following area is a security zone: All waters of San Diego Bay, from surface to bottom, within a 200-yard radius of the U.S. Coast Guard Cutter BERTHOLF while berthed at 10th Avenue Marine Terminal in San Diego, CA.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector San Diego (COTP) in the enforcement of the security zone.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF Channel 16. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 8:30 a.m. until 10:30 a.m. on March 10, 2021.

Dated: March 5, 2021.

T.J. Barelli,

Captain, U.S. Coast Guard, Captain of the Port Sector San Diego.

[FR Doc. 2021–05079 Filed 3–9–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0021]

RIN 1625–AA00

Safety Zone; Red River, Mile Marker 59, Moncla, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Red River (RR), Mile Marker 58 through 60. The safety zone is needed to protect persons, property, and the marine environment from the potential safety hazards associated with line pulling operations in the vicinity of Moncla, LA. Entry of persons or vessels into this zone is prohibited unless authorized by the Captain of the Port Sector Lower Mississippi River or a designated representative.

DATES: This rule is effective March 11, 2021 through March 25, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0021 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MSTC Lindsey Swindle, U.S. Coast Guard; telephone 901–521–4813, email *Lindsey.M.Swindle@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Lower Mississippi River
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. Immediate action is needed to protect persons and property from the potential safety hazards associated with line pulling operations. Initially, these operations were set to begin from March 4, 2021 through March 10, 2021. However, the contractor handling the line pulling operations informed us that they cannot start the work until March 11, 2021. A temporary final rule for these operations was published in the **Federal Register** on March 4, 2021 (86 FR 12543). The NPRM process would delay the establishment of the safety zone until after the date of the event and compromise public safety. We must establish this temporary safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the line pulling operations in the vicinity of Moncla, LA.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Lower Mississippi River (COTP) has determined that potential hazards associated with the line pulling operations, would be a safety concern for all persons and vessels on the Red River between MM 58 and MM 60 in the vicinity of Moncla, LA. This rule is needed to protect persons, property, infrastructure, and the marine environment in all waters of the RR within the safety zone while line pulling operations are being conducted.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from March 11, 2021 through March 25, 2021. Initially, these operations were set to begin on March 4, 2021 through March 10, 2021. However, the contractor handling the line pulling operations informed us that they cannot start work until March 11, 2021. The safety zone will cover all navigable waters of the RR from MM 58 through MM 60 in the vicinity of Moncla, LA. The duration of this safety zone is intended to ensure the safety of waterway users on these navigable waters during line pulling operations.

Entry of persons or vessels into this safety zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River. Persons or vessels seeking to enter the safety zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 901–521–4822. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone. This emergency safety zone will temporarily restrict navigation on the RR at MM 58 through 60 in the vicinity of Moncla, LA., from March 11, 2021 through March 25, 2021. Moreover, The Coast Guard will issue Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate. The rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone on the RR at MM 58 through 60 in the vicinity of Moncla, LA, that will prohibit entry into this zone. The safety zone will only be enforced while operations preclude the safe navigation of the established channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0021 to read as follows:

§ 165.T08–0021 Safety Zone; Red River, Mile Marker 59, Moncla, LA

(a) *Location.* The following area is a safety zone: All navigable waters of the Red River at Mile Marker (MM) 58 through 60 in the vicinity of Moncla, LA.

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Lower Mississippi River (COTP) or the COTP's designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16 or by telephone at 901–521–4822. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period.* This section will be enforced from March 11, 2021 until March 25, 2021.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts, as appropriate.

Dated: March 4, 2021.

R.S. Rhodes,

Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.

[FR Doc. 2021–04948 Filed 3–9–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0123]

RIN 1625–AA00

Safety Zone; Arkansas River, Mile Marker 126.6, Little Rock, AR

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Arkansas River (AR), between Mile Marker (MM) 126 and MM 127. The safety zone is needed to protect persons, property, and the marine environment from the potential safety hazards associated with bridge construction in the vicinity of Little Rock, AR. Entry of persons or vessels into this zone is prohibited unless authorized by the Captain of the Port Sector Lower Mississippi River or a designated representative.

DATES:

Effective date: This temporary interim rule is effective from March 10, 2021 until July 12, 2021.

Comments due date: Comments and related material must reach the Coast Guard on or before April 9, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0123 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this temporar interim rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary interim rule, call or email MSTC Lindsey Swindle, U.S. Coast Guard; telephone 901–521–4813, email *Lindsey.M.Swindle@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. Your comment can help us amend this regulation so that it provides a better solution to the problem we seek to address. We may issue a temporary final rule or other appropriate document in response to your comments.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this temporary interim rule for alternate instructions. Documents mentioned in this temporary interim rule as being available in the docket, and all public comments, will be available in our online docket at *https://www.regulations.gov,* and can be viewed by following that website's instructions. We review all comments received, but we will only post comments that address the topic of the temporary interim rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. If you visit the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Lower Mississippi River
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

III. Background Information and Regulatory History

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this temporary interim rule because it is impracticable. Delaying the effective date by first publishing an NPRM would be contrary to the safety zone's intended objections since immediate action is needed to protect persons and property from the potential safety hazards associated with the bridge construction. Such hazards may include failing debris from the construction project.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary interim rule effective less than 30 days after publication in the **Federal Register**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment. Therefore, a 30-day notice is impracticable. Delaying the effective date of this temporary interim rule would be contrary to the public interest because immediate action is needed to protect persons and vessels from the potential safety hazards associated with the bridge construction in the vicinity of Little Rock, AR.

We are soliciting comments on this rulemaking. If the Coast Guard determines that changes to the temporary interim rule are necessary, we will publish a temporary final rule or other appropriate document.

IV. Legal Authority and Need for the Temporary Interim Rule

The Coast Guard is issuing this temporary interim rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C.

1231). The Captain of the Port Sector Lower Mississippi River (COTP) has determined that potential hazards associated with the bridge construction, would be a safety concern for all persons and vessels on the Arkansas River between MM 126 and MM 127 in the vicinity of Little Rock, AR. This temporary interim rule is needed to protect persons, property, infrastructure, and the marine environment in all waters of the AR within the safety zone while bridge construction is being conducted.

V. Discussion of the Temporary Interim Rule

This temporary interim rule establishes a temporary safety zone from March 10, 2021 through July 12, 2021. The safety zone will cover all navigable waters of the AR between MM 126 and MM 127 in the vicinity of Little Rock, AR. The duration of this safety zone is intended to ensure the safety of waterway users on these navigable waters during the bridge construction.

Entry of persons or vessels into this safety zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River. Persons or vessels seeking to enter the safety zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 901–521–4822. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

VI. Regulatory Analyses

We developed this temporary interim rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This temporary interim rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this temporary interim rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone. This temporary safety zone will temporarily restrict navigation on the AR between MM 126 and MM 127 in the vicinity of Little Rock, AR, from March 10, 2021 through July 12, 2021. Moreover, The Coast Guard will issue Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate. The temporary interim rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this temporary interim rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section V.A above, this temporary interim rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this temporary interim rule. If the temporary interim rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this temporary interim rule or any policy or action of the Coast Guard.

C. Collection of Information

This temporary interim rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A temporary interim rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this temporary interim rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this temporary interim rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this temporary interim rule will not result in such an expenditure, we do discuss the effects of this temporary interim rule elsewhere in this preamble.

F. Environment

We have analyzed this temporary interim rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in

complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This temporary interim rule involves a temporary safety zone on the AR between MM 126 and MM 127 in the vicinity of Little Rock, AR that will prohibit entry into this zone. The temporary safety zone will only be enforced while operations preclude the safe navigation of the established channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0123 to read as follows:

§ 165.T08–0123 Safety Zone; Arkansas River, Mile Marker 126.6, Little Rock, AR

(a) *Location.* The following area is a safety zone: All navigable waters of the Arkansas River between Mile Marker (MM) 126 and MM 127 in the vicinity of Little Rock, AR.

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Lower Mississippi River (COTP) or the COTP's designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16 or by telephone at 901–521–4822. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Effective period.* This section is effective from March 10, 2021 until July 12, 2021.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts, as appropriate.

Dated: March 4, 2021.

R.S. Rhodes,

Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.

[FR Doc. 2021–04949 Filed 3–9–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0092; FRL–10021–19–Region 4]

Air Plan Approval; KY; Jefferson County; Existing and New VOC Storage Vessels Rule Changes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Energy and Environment Cabinet (Cabinet), on September 5, 2019. The revisions were submitted by the Cabinet on behalf of the Louisville Metro Air Pollution Control District (District or APCD) and make changes to the regulations for existing and new storage vessels for volatile organic compounds (VOCs). EPA is approving the revisions that regulate existing and new storage vessels for VOCs because the changes are consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective April 9, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0092. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically via *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached via electronic mail at *larocca.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA is approving changes to Regulation 6.13, *Standards of Performance for Existing Storage Vessels for Volatile Organic Compounds,* and Regulation 7.12, *Standards of Performance for New Storage Vessels for Volatile Organic Compounds,* of the Louisville Metro Air Pollution Control District portion of the Kentucky SIP, submitted by the Commonwealth on September 5, 2019. These modifications update the current SIP-approved version of Regulation 6.13 (Version 7) and Regulation 7.12 (Version 7) to Version 8 of each.

II. EPA's Analysis of the Revisions

In its September 5, 2019, submittals, the District includes a modification that changes the true vapor pressure criteria

in subsection 5.1 of Regulations 6.13 and 7.12 from 1.0 pounds per square inch absolute (psia) to 1.5 psia to better align with the general applicability provision in Section 1 of those regulations. Subsection 5.1 is a monitoring requirement which applies only to storage vessels that: (1) Have an external floating roof, (2) have a capacity of greater than 40,000 gallons, and (3) are not equipped with a secondary seal or approved alternative control technology. EPA notes that this change to the monitoring requirement does not alter the number of tanks subject to emission controls. EPA also notes that subsection 5.1 does not apply to any storage vessels that are newly constructed or modified after July 23, 1984, because such vessels would be subject to EPA's New Source Performance Standards (NSPS) subpart Kb, which requires that a secondary seal be installed on all vessels with a design capacity greater than or equal to 40,000 gallons and that store volatile organic liquids with a maximum true vapor pressure equal to or greater than 0.75 psia. *See* 40 CFR 60.112b(a)(2). Furthermore, the District states that the monitoring requirement in subsection 5.1 does not currently apply to any facilities under their jurisdiction.[1] For these reasons, EPA has determined, in accordance with CAA section 110(l), these changes will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS), reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the CAA.

The September 5, 2019, SIP revisions also contain the following changes: Necessary renumbering of Regulation 6.13, Section 2; revising units of pressure measurement from millimeters of mercury (mm Hg) to the International System of Units standard kilopascal (kPa) in Regulations 6.13 and 7.12, Sections 1 and 3; correcting 11.1 psia to 11.0 psia as this is equivalent to the pressure of 570 mm Hg in Regulations 6.13 and 7.12, Section 3; changing 10.3 kPa to 10.4 kPa for consistency within Section 3 of Regulation 7.12, Section 3.4.3; clarifying that subsection 3.3 applies only to vessels with a storage capacity of less than 40,000 gallons in Regulations 6.13 and 7.12, Section 3; [2] changing the word ''section'' to ''subsection'' in Regulation 6.13, Section 3; and replacing the term ''VOCs'' with the phrase ''volatile organic compounds'' in Regulation 7.12, Sections 2 and 3. EPA has determined that these changes will not interfere with attainment or maintenance of any NAAQS, reasonable further progress, or any other applicable requirement of the CAA because they are minor in nature and do not change the number of tanks that are subject to emission controls under these regulations.

In a notice of proposed rulemaking (NPRM) published on September 21, 2020 (85 FR 59256), EPA proposed to approve the changes described above to the Jefferson County portion of the Kentucky SIP provided on September 5, 2019. The September 21, 2020, NPRM provides additional detail regarding the background and rationale for EPA's action. Comments on the September 21, 2020, NPRM were due on or before October 21, 2020. Comments were received on the September 21, 2020, NPRM and are addressed below.

III. Response to Comments

EPA received three comments on its September 21, 2020, NPRM, one in favor and two in opposition. These comments are provided in the docket for this final action. EPA has summarized and responded to the adverse comments below.

Comment 1: The Commenter contends that EPA must quantify the potential emissions increase of raising the cutoff threshold from 1.0 psia (7.0 kPa) to 1.5 psia (10.4 kPa) because ''simply reasoning that 'a very small portion of hundreds of facilities [are applicable]' is not a valid reason for determining compliance with CAA section 110(l).''

Response 1: EPA disagrees with the Commenter and notes that the comment improperly implies that the section 110(l) analysis was based solely on the District's statement regarding the facilities that subsection 5.1 could theoretically apply to. As discussed above and in the NRPM, the removal of the monitoring requirement in subsection 5.1 for vessels storing VOCs of less than 1.5 psia will have no impact on emissions. Subsection 5.1 is a monitoring requirement which applies to certain types of storage vessels. The District changed the true vapor pressure criteria of this monitoring requirement from 1.0 psia to 1.5 psia to better align with the 1.5 psia threshold in the existing general applicability provision (Section 1) and the VOC emission limitations (Section 3). The emission control standards for VOC compounds are contained in Section 3 of rules 6.13 and 7.12, and none of them apply to tanks storing VOCs with a true vapor pressure of less than 1.5 psia. In addition, as noted above, subsection 5.1 does not apply to any existing facilities and also would not apply to any future storage vessels having a design capacity equal to or greater 40,000 gallons and storing liquids with a true vapor pressure equal to or greater than 0.75 psia because NSPS subpart Kb requires that a secondary seal be installed on all such vessels that are newly constructed or modified.

Comment 2: The Commenter states that ''EPA should disapprove this SIP because VOCs from existing stationary tanks are emitting harmful pollutants into the air we breathe.'' The Commenter further states that EPA ''could also . . . not approve this SIP because there are currently no viable ways to remove this pollution from existing stationary tank wells'' and that ''these pollutants are believed to continue entering and migrating underground from the existing wells and into water bodies.''

Response 2: EPA disagrees with the Commenter. A SIP is a federally enforceable plan for each state that identifies how that state will attain and maintain the NAAQS. In formulating its SIP, each state is given wide discretion so long as it is consistent with all applicable requirements of the CAA, including section 110(l), and EPA must approve SIP revisions that meet these requirements. *See* CAA sections 110(a), (k). EPA initially incorporated Regulations 6.13 and 7.12 into the SIP in 1980 and 1982, respectively, as part of the District's measures to attain and maintain the NAAQS. *See* 45 FR 6092 and 47 FR 25010. The SIP revisions at issue modify those regulations in the manner described above and in the NPRM, and EPA has determined that these revisions meet all applicable requirements of the CAA. Therefore, EPA must approve the revisions.

Regarding the comment about existing stationary tank wells, it is unclear what the Commenter is referring to. Regulations 6.13 and 7.12 contain measures to control air pollution from storage vessels of VOCs and do not mention ''wells.'' To the extent that the Commenter is concerned with potential non-air related environmental impacts, those impacts are beyond the scope of this action on Kentucky's September 5, 2019, SIP revisions.

[1] Kentucky SIP submittal, September 5, 2019, Louisville Metro Air Pollution Control District Regulatory Impact Assessment, p. 2.

[2] Although storage vessels with a capacity greater than 40,000 gallons and vapor pressure equal to or greater than 1.5 psia but not greater than 11.0 psia would no longer be required to install a permanent submerged fill pipe, these sources would still be required to install a floating roof and a vapor recovery system, or their equivalent, in accordance with subsection 3.1. The technology requirements in subsection 3.1 are more effective control technologies than a permanent submerged fill pipe.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference APCD Regulation 6.13, *Standards of Performance for Existing Storage Vessels for Volatile Organic Compounds,* Version 8, and Regulation 7.12, *Standards of Performance for New Storage Vessels for Volatile Organic Compounds,* Version 8, effective June 19, 2019, which make minor amendments to units of measurement and the applicability of standards for both existing and new storage vessels for VOCs, and which make minor editorial changes for internal consistency. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into the plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

V. Final Action

EPA is approving the changes to Regulation 6.13, *Standards of Performance for Existing Storage Vessels for Volatile Organic Compounds,* and Regulation 7.12, *Standards of Performance for New Storage Vessels for Volatile Organic Compounds,* of the Jefferson County portion of the Kentucky SIP, submitted by the Commonwealth on September 5, 2019. The September 5, 2019, SIP revisions update the current SIP-approved version of Regulation 6.13 (Version 7) and Regulation 7.12 (Version 7) to Version 8 for each. EPA is approving these changes for the reasons discussed above.

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 Act and applicable Federal regulations. *See* 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. 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 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);
- 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 10, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: March 4, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart S—Kentucky

■ 2. In § 52.920(c), Table 2 is amended under ''Reg 6—Standards of Performance for Existing Affected Facilities'' by revising the entry for ''6.13'' and under ''Reg 7—Standards of Performance for New Affected Facilities'' by revising the entry for ''7.12'' to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

[3] *See* 62 FR 27968 (May 22, 1997).

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	**Federal Register** notice	District effective date	Explanation
*	*	*	*	*	*
Reg 6—Standards of Performance for Existing Affected Facilities					
*	*	*	*	*	*
6.13	Standard of Performance for Existing Storage Vessels for Volatile Organic Compounds.	March 10, 2021	[Insert citation of publication].	6/19/2019	
*	*	*	*	*	*
Reg 7—Standards of Performance for New Affected Facilities					
*	*	*	*	*	*
7.12	Standard of Performance for New Storage Vessels of Volatile Organic Compounds.	March 10, 2021	[Insert citation of publication].	6/19/2019	
*	*	*	*	*	*

* * * * *

[FR Doc. 2021–04967 Filed 3–9–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2020–0174, FRL–10020–98–Region 10]

Air Plan Approval; Washington: Inspection and Maintenance Program; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the **Federal Register** on February 18, 2021, and that will become effective on March 22, 2021. The EPA finalized removal of the Inspection and Maintenance program from the active control measure portion of Washington's State Implementation Plan. This action corrects inadvertent typographical errors in the **Federal Register**. The corrections described in this action do not affect the substantive requirements of the final rule implementing section 110 of the Clean Air Act.

DATES: This correction is effective on March 22, 2021.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA is making the following corrections to the final rule, ''Air Plan Approval; Washington: Inspection and Maintenance Program'' as published in the **Federal Register** on February 18, 2021 (86 FR 10026). That publication contained amendatory instruction removing the entries ''173–422–010'', ''173–422–020'', ''173–422–030'', ''173–422–031'', ''173–422–035'', ''173–422–040'', ''173–422–050'', ''173–422–060'', ''173–422–065'', ''173–422–070'', ''173–422–075'', ''173–422–090'', ''173–422–095'', ''173–422–100'', ''173–422–120'', ''173–422–145'', ''173–422–160'', ''173–422–170'', ''173–422–175'', ''173–422–090'', and ''173–422–095.'' The correct citations for the last two entries for removal should have been ''173–422–190'' and ''173–422–195.'' This action corrects the citations as intended in the February 18, 2021 final rule.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because, as explained here, the changes to the rule are minor technical corrections, are noncontroversial in nature, and do not substantively change the requirements of the final rule. Rather, the changes correct inadvertent typographical errors and redundant text. Additionally, the corrections to the regulatory text match the revisions described in the preamble to the final rule. Thus, notice and opportunity for public comment are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

Federal Register Correction

In FR doc 2021–03033 at 86 FR 10026 in the issue of February 18, 2021, the following corrections are made:

§ 52.2470 [Corrected]

■ 1. On page 10027, in the third column, in amendment 2.a.ii., the instruction ''Removing the entries ''173–422–010'', ''173–422–020'', ''173–422–030'', ''173–422–031'', ''173–422–035'', ''173–422–040'', ''173–422–050'', ''173–422–060'', ''173–422–065'', ''173–422–070'', ''173–422–075'', ''173–422–090'', ''173–422–095'', ''173–422–100'', ''173–422–120'', ''173–422–145'', ''173–422–160'', ''173–422–170'', ''173–422–175'', ''173–422–090'', and ''173–422–095''" is corrected to read ''Removing the entries ''173–422–010'', ''173–422–020'', ''173–422–030'', ''173–422–031'', ''173–422–035'', ''173–422–040'', ''173–422–050'', ''173–422–060'', ''173–422–065'', ''173–422–070'', ''173–422–075'', ''173–422–090'', ''173–422–095'', ''173–422–100'', ''173–422–120'', ''173–422–145'', ''173–422–160'', ''173–422–170'', ''173–422–175'', ''173–422–190'', and ''173–422–195'' ''.

Dated: March 3, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–04838 Filed 3–9–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[GN Docket No. 18–122; FCC 20–22; FRS 17546]

Expanding Flexible Use of the 3.7 to 4.2 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of compliance date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget has approved the information collection requirements associated with the rules adopted in the Federal Communications Commission's *3.7 GHz Report and Order,* FCC 20–22, 3.7 GHz requiring service licensees to comply with certain technical rules and coordination practices designed to reduce the risk of interference to incumbent operations. This document is consistent with the *3.7 GHz Report and Order,* FCC 20–22, which states that the Commission will publish a document in the **Federal Register** announcing a compliance date for the new rule sections.

DATES: Compliance with 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order* published at 85 FR 22804 on April 23, 2020, is required on March 10, 2021.

FOR FURTHER INFORMATION CONTACT: Anna Gentry, Mobility Division, Wireless Telecommunications Bureau, at (202) 418–7769 or *Anna.Gentry@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that the Office of Management and Budget (OMB) approved the information collection requirements in 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order.* This rule was adopted in the *3.7 GHz Report and Order,* FCC 20–22, published at 85 FR 22804 on April 23, 2020. The Commission publishes this document as an announcement of the compliance date for this new rule. OMB approval for all other new or amended rules for which OMB approval is required will be requested, and compliance is not yet required for those rules. Compliance with all new or amended rules adopted in the *3.7 GHz Report and Order* that do not require OMB approval is required as of June 22, 2020, *see* 85 FR 22804 (Apr. 23, 2020). If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, regarding OMB Control Number 3060–1281. Please include the OMB Control Number in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on March 1, 2021, for the information collection requirements contained in 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order.* Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirements in 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order* is 3060–1281.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1281.

OMB Approval Date: March 1, 2021.

OMB Expiration Date: March 31, 2024.

Title: 3.7 GHz Service Licensee and Earth Station Operator Agreements; 3.7 GHz Licensee Engineering Analysis.

Form Number: N/A.

Respondents: Business or other for-profit entities; Not for profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 30 respondents; 30 responses.

Estimated Time per Response: 2 hours to 5 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirements; third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 1, 2, 4(i), 4(j), 5(c), 201, 302, 303, 304, 307(e), 309, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 155(c), 201, 302, 303, 304, 307(e), 309, and 316.

Total Annual Burden: 120 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The information collected under this collection will be made publicly available. However, to the extent information submitted pursuant to this information collection is determined to be confidential, it will be protected by the Commission. If a respondent seeks to have information collected pursuant to this information collection withheld from public inspection, the respondent may request confidential treatment pursuant to § 0.459 of the Commission's rules for such information.

Needs and Uses: On February 28, 2020, in furtherance of the goal of releasing more mid-band spectrum into the market to support and enabling next-generation wireless networks, the Commission adopted a Report and Order, FCC 20–22, (*3.7 GHz Report and Order*), in which it reformed the use of the 3.7–4.2 GHz band, also known as the C-band. Currently, the 3.7–4.2 GHz band is allocated in the United States exclusively for non-Federal use on a primary basis for Fixed Satellite Service (FSS) and Fixed Service. The *3.7 GHz Report and Order* calls for the relocation of existing FSS operations in the band into the upper 200 megahertz of the band (4.0–4.2 GHz) and making the lower 280 megahertz (3.7–3.98 GHz) available for flexible use throughout the contiguous United States through a Commission-administered public auction of overlay licenses.

The Commission concluded in the *3.7 GHz Report and Order* that, once this transition is complete, coordination measures are needed to protect incumbent C-band operations in the upper portion of the 3.7–4.2 GHz band. 3.7 GHz Service licensees are required to comply with certain technical rules and coordination practices designed to reduce the risk of interference to incumbent operations. Specifically, 3.7 GHz Service licensees are required to comply with specific power flux density (PFD) limits to protect incumbent earth stations from out-of-band emissions and blocking and to coordinate frequency usage with incumbent Telemetry, Tracking, and Command (TT&C) earth stations. The *3.7 GHz Report and Order* allows 3.7 GHz Service licensees and C-

Band earth station operators to modify these PFD limits, but it requires a 3.7 GHz Service licensee that is a party to such an agreement to maintain a copy of the agreement in its station files and disclose it, upon request, to prospective license assignees, transferees, or spectrum lessees, and to the Commission. The Commission also required any 3.7 GHz Service licensee with base stations located within the appropriate coordination distance to provide upon request an engineering analysis to the TT&C operator to demonstrate their ability to comply with the applicable −6 dB I/N criteria.

The information that will be collected under this new information collection is designed to ensure that 3.7 GHz Service licensees operate in a manner that ensures incumbent C-band operations in the upper portion of the 3.7–4.2 GHz band and TT&C operations in the 3700–3980 MHz band are protected. By requiring 3.7 GHz Service licensees to provide a copy of any private agreement with 3.7 GHz earth station operators to prospective license assignees, transferees, or spectrum lessees, and to the Commission, the Commission ensures that such agreements continue to protect incumbent C-band operations in the event a 3.7 GHz service license is subsequently transferred to a new licensee. This collection promotes the safety of operations in the band and reduces the risk of harmful interference to incumbents. It also ensures that relevant stakeholders have access to coordination agreements between 3.7 GHz Service licensees and entities operating earth stations or TT&C operations.

The information provided by the 3.7 GHz Service licensee to the TT&C operator ensures the protection of TT&C operations. The information collection will facilitate an efficient and safe transition by requiring 3.7 GHz Service licensees to demonstrate their ability to comply with the −6 dB I/N criteria, thereby minimizing the risk of interference.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–04999 Filed 3–9–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MB Docket No. 18–119; FCC 20–141; FRS 17304]

FM Translator Interference

AGENCY: Federal Communications Commission.

ACTION: Final rule; dismissal and denial of petitions.

SUMMARY: In this document, the Federal Communications Commission (Commission) addresses four petitions for reconsideration of a final rule (Petitions) filed by: Charles M. Anderson; the LPFM Coalition; KGIG–LP, Salida, California/Fellowship of the Earth; and Skywaves Communications LLC. The Petitions seek reconsideration of the Commission's report and order in the FM translator interference proceeding (*Report and Order*). The Commission dismisses or denies the arguments set forth in the Petitions and amends a rule to correct a cross-reference.

DATES: The filing of the Petitions was published at 84 FR 37228 on July 31, 2019. The Commission adopted the Order on Reconsideration dismissing and denying the Petitions and amending part 74 on October 6, 2020. The dismissals and/or denials of the Petitions will be effective April 9, 2021. The rule amendment adopted in the Order on Reconsideration will be effective March 9, 2021.

FOR FURTHER INFORMATION CONTACT: Albert Shuldiner, Chief, Media Bureau, Audio Division, (202) 418–2721; Lisa Scanlan, Deputy Division Chief, Media Bureau, Audio Division, (202) 418–2704; Christine Goepp, Attorney Advisor, Media Bureau, Audio Division, (202) 418–7834.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration (*Reconsideration Order*), MB Docket No. 18–119; FCC 20–141, released October 6, 2020. The full text of the *Reconsideration Order* is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *http://fjallfoss.fcc.gov/edocs_public/* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://www.fcc.gov/ecfs.* (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. *Introduction.* In this *Reconsideration Order,* adopted and released on October 6, 2020, the Commission addresses petitions for reconsideration (Petitions) of the Report and Order, published at 84 FR 27734 (June 14, 2019) (*Report and Order*) in the FM translator interference proceeding. The Commission dismisses or denies the arguments raised in the Petitions. It also corrects a cross reference contained in the rules established by the *Report and Order.*

2. *Background.* In the *Report and Order,* the Commission adopted new rules to improve the FM translator interference complaint and resolution process. Specifically, it: (1) Gave FM translators the flexibility, upon a showing of interference to or from any other broadcast station, to change channels to any available same-band channel using a minor modification application; (2) standardized the information that must be compiled and submitted by any station claiming interference, including the minimum number of listener complaints proportionate to the signal coverage of the complaining station and undesired-to-desired (U/D) data demonstrating the relative signal strength at each listener location (zone of potential interference); and (3) established an outer contour limit of 45 dBu signal strength of the complaining station within which interference complaints will be considered actionable.

4. *Discussion.* The Commission dismisses or denies the arguments raised in the Petitions, as summarized below. It also corrects a cross reference contained in the rules established by the *Report and Order.*

5. *Channel Changes.* The Commission rejects the argument that it erred in the *Report and Order* by not requiring that low power FM (LPFM) preclusion studies be submitted with each minor change application filed by an FM translator operator to operate on a non-adjacent channel. It affirms its earlier conclusion that neither the plain language of section 5(1) of the Local Community Radio Act of 2010 (LCRA) nor subsequent case law mandates preclusion studies for translator minor change applications, explaining that LCRA section 5 pertains only to the licensing of new rather than existing stations. Moreover, the Commission finds that its previous efforts to preserve LPFM availability in the context of

waivers for FM translator long-distance ''hops'' are not relevant to the channel change applications at issue here. Therefore, the Commission both dismisses this argument as previously raised and considered and denies it on the merits.

6. The Commission also dismisses and, on alternative and independent grounds, denies the argument that the non-adjacent channel change rule violates the *Ashbacker* doctrine. This argument could have been raised earlier in the proceeding. Moreover, the *Ashbacker* right to comparative consideration for mutually exclusive applications does not apply to prospective applicants, as here. Rather, the Commission may promulgate rules that limit the ability of parties to file mutually exclusive applications. The Commission finds that it is in the public interest to do so here by allowing FM translator stations to remediate interference by changing channels and treating changes as minor, thereby foreclosing competing applications. Doing so provides a low-cost way to resolve interference with little or no reduction in service area and help keep translators on the air. The Commission finds that to treat these changes as major, and therefore subject to competing applications, would undermine the Commission's efforts to provide FM translator stations with an efficient means to remediate interference.

7. *Required Contents of Translator Interference Claims.* The Commission affirms three as the appropriate minimum number of listener complaints that must be submitted by an LPFM station with fewer than 5,000 people within its protected contours, dismissing the argument that this limit should be set at six. This argument was considered and rejected earlier in the proceeding. The Commission also denies this argument on the alternative and independent ground that the three-listener complaint minimum is a targeted and proportionate requirement, which in any case is applicable only to a small subset of LPFM stations.

8. The Commission rejects the arguments that it violated the Administrative Procedure Act (APA) and the petition clause of the U.S. Constitution (Petition Clause) by holding that multiple listener complaints from the same building will not be applied toward the listener complaint minimum. The APA does not prevent the Commission from adopting a final rule that differs from a proposal in an NPRM. To the contrary, the APA requires that, after providing the public with an opportunity to comment, an agency must then consider the relevant matter presented. In this case, although the NPRM proposed to allow multiple complaints from a single building, in the *Report and Order* the Commission agreed with commenters that the new rules should ensure that listener complaints come from multiple, unique, locations to demonstrate a real and consistent interference problem. By carefully reviewing the record and modifying its earlier proposal in response to it, the Commission complied with APA requirements.

9. The Commission also denies the argument that the *Report and Order* denied radio listeners their right under the Petition Clause to petition the government for a redress of grievances. Petitioners do not cite to any court or agency precedent to support the assertion that the Petition Clause requires the Commission to accept and consider all listener complaints of translator interference. To the contrary, the Supreme Court has held that nothing in the First Amendment suggests that the rights to speak, associate, and petition require government policymakers to listen or respond to communications of members of the public on public issues. Moreover, the Commission explains, from a practical standpoint, it is not necessary to obtain multiple listener complaints from a single location to determine whether that location is experiencing interference. It also clarifies that although multiple listener complaints will not count toward the minimum number of listener complaints, the translator operator must still remediate all valid complaints from the same building if all threshold requirements are otherwise met.

10. Because the *Reconsideration Order* corrects a cross-reference within new §§ 74.1203(a)(3) and 74.1204(f) to refer to § 74.1204(b) rather than previously cross-referenced § 73.313, the Commission dismisses as moot any objection to the new rules based on § 73.313.

11. The Commission upholds the requirement set out in the *Report and Order* that each station submitting a translator interference claim package must include U/D data demonstrating that at each listener location the ratio of undesired to desired signal strength exceeds −20 dB for co-channel situations, −6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology. The Commission declines to allow listener complaints from anywhere within the complaining station's protected contour, even if the listener location does not satisfy this U/D requirement. The U/D requirement serves as a threshold test to eliminate obvious instances where the translator could not be the source of the alleged interference. Including listener complaints from areas within the complaining station's protected contour that do not satisfy the U/D test would undermine this purpose. Moreover, the Commission explains, the strength of the complaining station's signal within its protected contour makes the likelihood of translator interference within the protected contour exceedingly small. In the rare event that a valid U/D showing could be made for a location within a complaining station's protected contour, the Commission states that it would accept a listener complaint at that location if it otherwise met the complaint requirements set out in the *Report and Order.* Finally, the Commission anticipates that if a real and consistent interference problem caused by a translator should occur, the affected station will be able to readily obtain the required minimum number of listener complaints from within the zone of potential interference as defined in the *Report and Order.*

12. In response to Skywaves Communications LLC, who points out that the *Report and Order* does not specify F(50,50) or F(50,10) propagation curves with respect to the 45 dBu contour limit and the U/D zone of potential interference test, the Commission makes a technical change to §§ 74.1203(a)(3) and 74.1204(f) to cross-reference § 74.1204(b) rather than § 73.313. Section 74.1204(b) includes guidance on using F(50, 50) curves for protected contours and F(50, 10) curves for interfering contours and is therefore appropriate for the purpose of making a U/D zone of potential interference showing under the new rules.

13. *Contour Limit on Translator Interference Complaints.* The Commission dismisses as previously raised and considered the argument that existing translator stations will be harmed by the establishment of an outer contour limit of 45 dBu signal strength of the complaining station within which interference complaints will be considered actionable. On alternative and independent grounds, the Commission denies this argument on the merits, noting that under the previous rules, any interference complaint, at any distance from the complaining station, could have forced a translator station to cease operations. Because the new contour limit protects translator stations from specious

interference complaints, it reduces the risk to translator stations rather than increasing it. In this respect, the Commission clarifies that the 45 dBu contour limit does not affect any station's existing protected contour under the rules, including LPFM stations. It affirms that the 45 dBu contour limit represents a carefully considered balance between protecting translator stations from specious interference claims on one hand while preserving existing protections for other broadcast stations on the other.

14. The Commission dismisses as already raised and rejected the argument that the Commission relied on misleading data when it determined that there is significant listenership beyond many stations' 54 dBu signal strength contours. In doing so, the Commssion considered all arguments on this point and concluded that the data presented in the record formed an adequate basis for approximating nationwide listenership at various signal strength contours. On alternative and independent grounds, the Commission denies this argument on the merits, noting that the Nielsen data in the record was supplemented and corroborated by independent listenership data submitted by other broadcasters from various markets nationwide. Therefore, while acknowledging that CUME, zip code-based, and home address-based information may be over- or under-inclusive in individual cases (for example, when a zip code centroid is within a certain signal strength contour but the listening occurs outside it), the Commission finds that this data is sufficiently reliable with respect to broad listenership patterns to support the conclusion that a significant amount of FM listening occurs beyond the average 54 dBu contour and that setting a limit on actionable complaints at this signal strength would be economically damaging to many broadcasters.

15. The Commission dismisses as previously raised and rejected the argument that the new rules contravene LCRA section 5(3). The applicability of the LCRA ''equal in status'' provision was raised by other commenters earlier in the proceeding and addressed in the *Report and Order.* The Commission affirms its conclusion that LCRA does not prohibit the establishment of an outer contour limit on translator interference claims.

16. The Commission denies the argument that it acted with bias against the LPFM services by rejecting objections filed by LPFM advocates to pending translator applications in other proceedings. This complaint ignores the Commission's longstanding stewardship of this valuable and unique service as well as the fact that many of the measures taken in the *Report and Order* have equivalent rules already applicable to the LPFM service, such as the ability to change channels to resolve interference and the contour limitation on listener complaints. Thus, the new rules do not prioritize translator service over LPFM service but bring the two services into closer harmony with each other. Finally, the Commission explains that improving the translator interference process benefits all parties concerned, including LPFM stations, by providing a clearly defined, expeditious, and fair process for resolving translator interference complaints.

17. *Pending Proceedings.* The Commission affirms the holding in the *Report and Order* that the rules adopted therein apply to any pending applications or complaints that have not been acted upon as of the date the new rules became effective. It rejects the argument that doing so imposes ''impermissible retroactive burdens'' on those with pending translator interference complaints. None of the three ways in which a rule can be retroactive are demonstrated here. First, applying the new rules to pending translator interference complaints does not increase complainants' liability for past conduct. Second, applying the new rules to pending translator interference complaints does not impose new duties with respect to transactions already completed. Third, applying the new rules to pending translator interference complaints does not impair rights a party possess when it acted. In this respect, the Commission finds that Petitioners do not demonstrate or provide support for the position that the mere filing of an interference complaint endows the complainant with vested rights, or that such rights, if established, would be impaired by application of the new rules. The Commission explains that the purpose of the interference complaint regime addressed in the *Report and Order* is to resolve complaints that FM translators are causing interference to listeners of FM and LPFM stations. Nothing in the *Report and Order* eliminated the ability of complainants, including those with pending complaints, to avail themselves of the Commission's processes to resolve such interference concerns. Rather, the rules adopted in the *Report and Order* changed only the way in which these claims are adjudicated by requiring more specific evidence. Moreover, pending complainants were provided with the opportunity to supplement their complaints to meet the new requirements. If a pending complaint is dismissed for failure to comply with the new rules, nothing precludes that same complainant from pursuing a new interference complaint in the future that complies with the new rules. Therefore, the Commission concludes, applying the new rules to pending complaints does not impair rights a party possessed when it acted because both before and after the effective date of the new rules, FM translators are prohibited from causing interference to listeners of FM and LPFM stations and the Commission provides a complaint process for resolving such interference complaints. It therefore denies the contention that applying the new rules to interference complaints pending against translator stations had an impermissible retroactive effect.

Procedural Matters

18. *Paperwork Reduction Act Analysis.* This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. Therefore, it does not contain any new or modified information collection burdens for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198.

19. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Order on Reconsideration to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

20. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2)

is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

21. This Order on Reconsideration disposes of petitions for reconsideration in MB Docket No. 18–119. In the *Report and* Order in this proceeding, the Commission issued a Final Regulatory Flexibility Analysis (FRFA) that conforms to the RFA, as amended. The Commission received no petitions for reconsideration of that FRFA. This Order on Reconsideration does not alter the Commission's previous analysis under the RFA.

22. In this Order on Reconsideration, the Commission corrects a cross-reference in the rules to direct broadcast applicants and licensees to a more comprehensive set of guidelines for calculating undesired-to-desired (U/D) signal strength ratios in the context of a translator interference claim. Specifically, although both the original cross-reference (47 CFR 73.313) and the new cross-reference (47 CFR 74.1204(b)) accurately describes the Commission's standard contour prediction methodology, the amended cross-reference includes specific instructions for calculating interfering as well as protected contours, both of which are used when calculating U/D ratios. Thus, the amended cross-reference is substantially similar to the original cross-reference but provides additional useful information and is more technically accurate for the type of calculation involved. This change is minor and is not anticipated to have any economic effect on broadcast licensees, including small entities. Therefore, we certify that the requirements of the Order on Reconsideration will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Order on Reconsideration, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act. In addition, the Order on Reconsideration and this final certification will be sent to the Chief Counsel for Advocacy of the SBA and will be published in the **Federal Register**.

Ordering Clauses

14. *It is ordered* that, pursuant to sections 1, 2, 4(i), 4(j), 301, 303, 307, 308, 309, 319, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303, 307, 308, 309, 319, and 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, this Order on Reconsideration in MB Docket No. 18–119 *is adopted* and *shall be effective* 30 days after publication in the **Federal Register**.

15. *It is further ordered* that part 74 of the Commission rules *is amended* as set forth in Appendix A and that such rule amendment *shall be effective* 30 days after publication in the **Federal Register**.

16. *It is further ordered* that the Petition for Reconsideration filed by Louis P. Vito on July 16, 2019, *is dismissed* in its entirety.

17. *It is further ordered* that the Petition for Reconsideration filed by Charles M. Anderson on July 11, 2019, *is dismissed* to the extent set out in paragraphs 9, 17, 20, and 21, *supra,* and *is denied* to the extent set out in paragraphs 9 and 19, *supra.*

18. *It is further ordered* that the Petition for Reconsideration filed by the LPFM Coalition on July 15, 2019, *is dismissed* to the extent set out in paragraphs 4, and 21, *supra,* and *is denied* to the extent set out in paragraphs 7, 10–13, 21, and 23–25 *supra.*

19. *It is further ordered* that the Petition for Reconsideration filed by KGIG–LP, Salida, California/Fellowship of the Earth on July 15, 2019, *is dismissed* to the extent set out in paragraphs 4 and 8, *supra,* and *is denied* to the extent set out in paragraphs 5–6, 8 and 22, *supra.*

20. *It is further ordered* that the Petition for Reconsideration filed by Skywaves Communications LLC on July 15, 2019, *is dismissed* to the extent set out in paragraph 17 and 19, *supra,* and *is denied* to the extent set out in paragraphs 15 and 18, *supra.*

21. *It is further ordered* that the Stay Request filed by the LPFM Coalition on July 15, 2019, *is dismissed* as moot.

22. *It is further ordered* that, should no further petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 18–119 *shall be terminated*, and its docket *closed.*

23. *It is further ordered* that the Commission *shall send* a copy of this Order on Reconsideration, including the Final Regulatory Flexibility Certification, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

24. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order on Reconsideration, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 74 as follows:

■ 1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 2. Amend § 74.1203 by revising paragraph (a)(3) to read as follows:

§ 74.1203 Interference.

(a) * * *

(3) The direct reception by the public of the off-the-air signals of any full-service station or previously authorized secondary station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the channel on which the protected signal is transmitted; except that no listener complaint will be considered actionable if the alleged interference occurs outside the desired station's 45 dBu contour. Interference is demonstrated by:

(i) The required minimum number of valid listener complaints as determined using Table 1 of this section and defined in § 74.1201(k) of this part;

(ii) A map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour;

(iii) A statement that the complaining station is operating within its licensed parameters;

(iv) A statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and

(v) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds −20 dB for co-channel situations, −6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the methodology set out in § 74.1204(b).

TABLE 1 TO § 74.1203(a)(3)

Population within protected contour	Minimum listener complaints required for interference claim
1–199,999	6
200,000–299,999	7

TABLE 1 TO § 74.1203(a)(3)—Continued

Population within protected contour	Minimum listener complaints required for interference claim
300,000–399,999	8
400,000–499,999	9
500,000–999,999	10
1,000,000–1,499,999	15
1,500,000–1,999,999	20
2,000,000 or more	25
LPFM stations with fewer than 5,000	3

* * * * *

■ 3. Amend § 74.1204 by revising paragraph (f) to read as follows:

§ 74.1204 Protection of FM broadcast, FM Translator and LP100 stations.

* * * * *

(f) An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including previously authorized secondary service stations within the 45 dBu field strength contour of the desired station. Interference is demonstrated by:

(1) The required minimum number of valid listener complaints as determined using Table 1 to § 74.1203(a)(3) of this part and defined in § 74.1201(k) of this part;

(2) A map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour;

(3) A statement that the complaining station is operating within its licensed parameters;

(4) A statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and

(5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds −20 dB for co-channel situations, −6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the methodology set out in paragraph (b) of this section.

* * * * *

Editorial Note: The Office of the Federal Register received this document on December 16, 2020.

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Proposed Rules

Federal Register
Vol. 86, No. 45
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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0135; Project Identifier MCAI–2020–01044–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–07–07 for various Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK117 and Model BO–105 helicopters. AD 2019–07–07 requires removing certain part numbered swashplate bellows (bellows) from service, cleaning and inspecting certain parts, and depending on the inspection results removing certain parts from service, applying torque, and repetitively inspecting the swashplate assembly (swashplate). AD 2019–07–07 also prohibits the installation of certain part-numbered bellows. This proposed AD would retain certain requirements of AD 2019–07–07, expand the installation prohibition, add additional inspections, and update the applicable service information. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 26, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0135; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (now European Union Aviation Safety Aviation) (EASA) AD, any comments received and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *Matthew.Fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0135; Project Identifier MCAI–2020–01044–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *Matthew.Fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2019–07–07, Amendment 39–19618 (84 FR 16394, April 19, 2019) (AD 2019–07–07) for Airbus Helicopters Model BO–105A, BO–105C, BO–105S, BO–105LS A–3, MBB–BK 117A–1, MBB–BK 117A–3, MBB–BK 117A–4, MBB–BK 117B–1, MBB–BK 117B–2, MBB–BK 117C–1, MBB–BK 117C–2, and MBB–BK 117D–2 helicopters. AD 2019–07–07 requires a one-time inspection of the swashplate with the bellows removed and thereafter, a repetitive inspection of the swashplate. AD 2019–07–07 also prohibits the installation of certain part-

numbered bellows and gearboxes with certain part-numbered bellows.

AD 2019–07–07 was prompted by EASA AD No. 2016–0142, dated July 19, 2016, which was revised to EASA AD No. 2016–0142R1, dated April 12, 2018, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advises of several reports of a lower clamp found missing from the bellows and damaging the swashplate bearing ring before becoming detached. EASA states an investigation showed that over-torqueing can damage the clamp, which may have caused the clamp to become loose and detach. According to EASA, this condition, if not detected and corrected, could lead to loss of a swashplate clamp, and a detached clamp could damage the swashplate and pitch link or strike the tail rotor, resulting in loss of control of the helicopter.

Actions Since AD 2019–07–07 Was Issued

Since the FAA issued AD 2019–07–07, it was identified that bellows (part number) P/N B623M20X220 was inadvertently omitted from the prohibition in the Required Actions paragraph. It was also identified that Airbus Helicopters updated its service information by issuing several alert service bulletins which specified removing the bellows and repetitively inspecting the swashplate. Accordingly, this proposed AD would update the service information and any incorporated by reference information, add to the inspection requirements of AD 2019–07–07, and prohibit installation of bellows P/N B623M20X220.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type designs.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires compliance within different time intervals for some actions than what this proposed AD would require. The EASA AD allows a non-cumulative tolerance of 10 percent that may be applied to the compliance times, and this proposed AD would not. This proposed AD would apply to Model MBB–BK 117D–2 helicopters while the EASA AD does not. The EASA AD applies to Model BO–105D helicopters, while this proposed AD would not. The EASA AD requires reporting corrosion to Airbus Helicopters while this proposed AD would not.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) BO105–40A–107 for Model BO105C-series, D-series and S-series helicopters; ASB BO105 LS–40A–12 for Model BO–105LS A–3 helicopters; ASB MBB–BK117–40A–115 for Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters; and ASB MBB–BK117 C–2–62A–007 for Model MBB–BK 117 C–2 helicopters, each Revision 5 and dated July 25, 2017. The FAA also reviewed Airbus Helicopters ASB MBB–BK117 D–2–62A–003, Revision 3, dated July 25, 2017, for Model MBB–BK 117 D–2 helicopters. This service information specifies removing the bellows and repetitively inspecting the swashplate.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements

This proposed AD would require the following within 50 hours hours time-in-service (TIS):

- Removing the affected bellows from the swashplate, cleaning and inspecting the support tube for scratches, and depending on the inspection results reworking the cylindrical area;
- Inspecting the clamp for corrosion, damage and incorrect installation, and, depending on the inspection results, removing the clamp from service, reinstalling the clamp correctly and applying a torque;
- Inspecting each ball bearing for corrosion, and depending on the inspection results, removing each ball bearing from service; and
- Inspecting the deflection ring for foreign objects by removing the lockwire, screws, and the outer deflection ring and removing any foreign objects;

The proposed AD would also require, within 400 hours TIS, inspecting the swashplate for foreign objects and excessive bearing rolling friction. Finally, this proposed AD would prohibit installing a bellows P/N 105–10113.05, P/N 4619305044, P/N 4638305043, or P/N B623M20X2240, or a gearbox with a bellows P/N 105–10113.05, P/N 4619305044, or P/N 4638305043 on any helicopter.

Costs of Compliance

The FAA estimates that this proposed AD would affect 211 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Inspecting the swashplate assembly would take about 3 work-hours for an estimated cost of $255 per helicopter and $53,805 for the U.S. fleet per inspection cycle.

Repairing a scratched support tube would take about 3 work-hours for an estimated cost of $255 per helicopter.

Replacing a corroded or damaged clamp would take about 2 work-hours and parts would cost about $8 for a cost of $178 per helicopter.

Replacing corroded ball bearings would take about 4 work-hours and parts would cost about $3,000 for a cost of $3,340 per helicopter.

Removing foreign objects from the outer deflection ring would take about 2 work-hours for an estimated cost of $170 per helicopter.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866,

2. Will not affect intrastate aviation in Alaska, and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by,

■ a. Removing Airworthiness Directive (AD) 2019–07–07, Amendment 39–19618 (84 FR 16394, April 19, 2019) and,

■ b. Adding the following new AD:

Airbus Helicopters Deutschland GmbH: Docket No. FAA–2021–0135; Project Identifier MCAI–2020–01044–R.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Deutschland GmbH Model BO–105A, BO–105C, BO–105S, BO105LS A–3, MBB–BK 117A–1, MBB–BK 117A–3, MBB–BK 117A–4, MBB–BK 117B–1, MBB–BK 117B–2, MBB–BK 117C–1, MBB–BK 117C–2, and MBB–BK 117D–2 helicopters, certificated in any category.

Note 1 to paragraph (a) of this AD: Helicopters with an MBB–BK 117C–2e designation are Model MBB–BK 117C–2 helicopters.

(b) Unsafe Condition

This AD defines the unsafe condition as a loose swashplate bellows (bellows) clamp. This condition can cause loss of the bellows, contact of the bellows with the main rotor blades, main rotor mast, and tail rotor, and subsequent loss of helicopter control.

(c) Affected ADs

This AD replaces AD 2019–07–07, Amendment 39–19618 (84 FR 16394, April 19, 2019) (2019–07–07).

(d) Comments Due Date

The FAA must receive comments by April 26, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Within 50 hours time-in-service (TIS) after the effective date of this AD:

(i) Remove from service bellows part number (P/N) 105–10113.05, P/N 4638305043, P/N 4619305044, or P/N B623M20X2240 from the swashplate assembly (swashplate).

(ii) Clean and inspect the support tube for scratches as depicted in Detail 11, Figure 6 of Airbus Helicopters Alert Service Bulletin (ASB) BO105–40A–107 (ASB BO105–40A–107); or Detail 11, Figure 5 of ASB BO105 LS 40A–12 (ASB BO105 LS 40A–12); or Detail 11, Figure 5 of ASB MBB–BK117–40A–115, (ASB MBB–BK117–40A–115); or Detail 11, Figure 5 of ASB MBB–BK117 C–2–62A–007 (ASB MBB–BK117 C–2–62A–007), each Revision 5 and dated July 25, 2017; or Detail 11, Figure 5 of ASB MBB–BK117 D–2–62A–003, Revision 3, dated July 25, 2017 (ASB MBB–BK117 D–2–62A–003); as applicable to your model helicopter. If there are scratches on the support tube, before further flight, rework the cylindrical area to a max depth of 0.1 mm with a polishing cloth #400 or equivalent polishing cloth. The reworked area must not exceed 10 mm in width or 3 cm^2 in area, the minimum separation between any adjacent reworked areas must be 30 mm, and total reworked areas must not exceed 10 percent of the cylindrical area.

(iii) Inspect the clamp for corrosion and correct installation.

Note 1 to paragraph (f)(1)(iii): A figure of the clamp is depicted in Detail 9, Figure 6 of ASB BO105–40A–107; or Detail 9, Figure 5 of ASB BO105 LS 40A–12, ASB MBB–BK117–40A–115, or ASB MBB–BK117 C–2–62A–007; or Detail 9, Figure 5 of ASB MBB–BK117 D–2–62A–003; as applicable to your model helicopter.

(A) If there is corrosion on the clamp, before further flight remove the clamp from service.

(B) If the clamp is incorrectly installed, before further flight install the clamp correctly on the shield as depicted in Detail 10, Figure 6 of ASB BO105–40A–107; or Detail 10, Figure 5 of ASB BO105 LS 40A–12, ASB MBB–BK117–40A–115, or ASB MBB–BK117 C–2–62A–007; or Detail 10, Figure 5 of ASB MBB–BK117 D–2–62A–003; as applicable to your model helicopter.

(C) Apply a torque between 0.5 Nm and 0.7 Nm to the screw and install lockwire as depicted in Detail 8, Figure 6 of ASB BO105–40A–107; or Detail 8, Figure 5 of ASB BO105 LS 40A–12, ASB MBB–BK117–40A–115, or ASB MBB–BK117 C–2–62A–007; or Detail 8, Figure 5 of ASB MBB–BK117 D–2–62A–003; as applicable to your model helicopter.

(iv) Inspect each ball bearing for corrosion. If there is corrosion on any ball bearing, before further flight, remove the ball bearing from service.

(v) Inspect the area under the deflection ring for foreign objects by removing the lock wire, removing the screws, and removing the outer deflection ring. If there are any foreign objects, remove the foreign objects with a lint-free cloth.

(2) Within 400 hours TIS after the effective date of this AD, after complying with the actions in paragraph (f)(1) of this AD, and thereafter at intervals not to exceed 400 hours TIS, inspect the swashplate by following the Accomplishment Instructions, paragraph 3.B.4 of ASB BO105–40A–107; or paragraph 3.B.3 of ASB BO105 LS 40A–12, ASB MBB–BK117–40A–115, ASB MBB–BK117 C–2–62A–007, or ASB MBB–BK117 D–2–62A–003; as applicable to your model helicopter.

(3) After May 24, 2019 (the effective date of AD 2019–07–07), do not install a bellows P/N 105–10113.05, P/N 4619305044, or P/N 4638305043, or a gearbox with a bellows P/N 105–10113.05, P/N 4619305044, or P/N 4638305043 on any helicopter.

(4) As of the effective date of this AD, do not install a bellows P/N B623M20X2240 on any helicopter.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of: Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2016–0142R1, dated April 12, 2018. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

Issued on March 2, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04804 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0152; Airspace Docket No. 21–AGL–2]

RIN 2120–AA66

Proposed Amendment of Jet Routes J–107 and J–515, and VOR Federal Airway V–181; Establishment of Area Navigation (RNAV) Route T–407; and Revocation of the Humboldt, MN, Domestic Low Altitude Reporting Point; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend two Jet Routes and one VHF Omnidirectional Range (VOR) Federal Airway; establish one low altitude RNAV route; and revoke one Domestic Low Altitude Reporting Point, in the northcentral United States. This action is necessary due to the planned decommissioning of the VOR portion of the Humboldt, MN, VOR/Tactical Air Navigation (VORTAC) which provides navigation guidance to portions of the affected Air Traffic Service (ATS) routes. The Humboldt VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (VOR MON) program.

DATES: Comments must be received on or before April 26, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0152; Airspace Docket No. 21–AGL–2 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jesse Acevedo, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in the central United States and improve the efficient flow of air traffic within the NAS by lessening the dependency on ground-based navigation.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2021–0152; Airspace Docket No. 21–AGL–2) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0152; Airspace Docket No. 21–AGL–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020 and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning decommissioning activities for the VOR portion of Humboldt VORTAC with a proposed effected date of December 2, 2021. The Humboldt VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, ''Provision of Navigation Services for the NextGen Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR MON),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694),

Docket No. FAA–2011–1082. Although the VOR portion of the Humboldt VORTAC is planned for decommissioning, the co-located Distance Measuring Equipment (DME) and Tactical Air Navigation (TACAN) portions of the navigational aid are being retained in support of current and future RNAV procedures and Department of Defense mission requirements.

The ATS routes affected by the Humboldt VOR are J–107, J–515, and V–181. With the planned decommissioning of the Humboldt VOR, the remaining ground-based navigational aid coverage in the area is insufficient to enable the continuity of these affected routes. As a result, proposed modifications to J–107, J–515, and V–181 would result in airway segments being removed. To overcome the loss of route segments in the ATS routes, instrument flight rules (IFR) traffic may use adjacent Jet Routes, J–36, J–140, J–562, and J–89. Pilots equipped with RNAV capabilities may also file point to point through the affected area using fixes that will remain in place, or receive air traffic control radar vectors; the pilots could also use RNAV Route, Q–140, to navigate through or around the affected area. Visual flight rules (VFR) pilots who elect to navigate through the affected area may utilize the ATC services previously listed.

Additionally, the proposed new T-route would provide an enroute structure that would overlap the VOR Federal airway V–181 for RNAV capable aircraft. This new T-route proposal would also provide route options in areas of limited or no radar coverage to pilots whose aircraft are RNAV capable. The new airway will provide positive course guidance to aircraft navigating around areas of heavy aviation activity (*i.e.,* Grand Forks) and Military Special Use Airspace (*i.e.,* Tiger South MOA, Devils Lake East MOA, and Restricted Areas R–5403A/B/C/D/E/F). Furthermore, this proposed new airway would also support the FAA's plan to transition the National Airspace System from a ground-based surveillance and navigation system, to a satellite-based system.

Finally, FAA is proposing to remove the Humboldt, MN Domestic Low Altitude Reporting point. The reporting point is no longer required by air traffic control after the proposed route amendments would be implemented.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend two Jet Routes; amend one VOR Federal Airway; establish one RNAV route; and revoke one reporting point. The proposed ATS route and reporting point amendments are described below.

J–107: J–107 extends between Los Angeles, CA, VORTAC and Sioux Narrows, ON, Canada, VOR/DME. The portion within Canada is excluded. The proposed change would remove the route segments between Dupree, SD, VOR/DME, and Sioux Narrows, ON, Canada, VOR/DME, and remove the exclusionary language. The resulting Jet Route would extend between Los Angeles, CA, VORTAC and Dupree, SD, VOR/DME.

J–515: J–515 extends between Fargo, ND, VOR/DME and the intersection of the Humboldt, MN, VORTAC 356° radial and US/Canada border; and between Whitehorse, YT, Canada and the Barrow, AK, VOR/DME. The airspace within Canada is excluded. The proposed change would remove the route segment between the Fargo, ND, VOR/DME and the intersection of the Humboldt, MN, VORTAC 356° radial and US/Canada border. As a result, the Jet Route would extend between Whitehorse, YT, Canada, VOR/DME and Barrow, AK, VOR/DME.

V–181: V–181 extends between Kirksville, MO, VORTAC, and the intersection of the Humboldt, MN, VORTAC, 356° radial and United States/Canada border. The proposed change would remove the route segment between the Grand Forks, ND, VOR/DME and the intersection of the Humboldt, MN, VORTAC, 356° radial and United States/Canada border. As a result, the airway would extend between the Kirksville, MO, VORTAC, and the Grand Forks, ND, VOR/DME.

T–407: T–407 would be a new RNAV route that extends between the Sioux Falls, SD, VORTAC and the ZOMTA fix, located at the US/Canadian border, 8 miles north of Humboldt, MN, VORTAC. This T-route would provide enroute routing over the current VOR Federal airway V–181 from Sioux Falls, SD, VORTAC north to the United States/Canadian border.

Humboldt: The Humboldt MN Domestic Low Altitude Reporting Point would be removed.

All of the navigational aid radials in the Jet Route descriptions below are stated in True degrees.

United States Jet Routes, VOR Federal airways, RNAV T-routes, and Domestic Low Altitude Reporting points are published in paragraphs 2004, 2010(a), 6011, and 7001, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which are incorporated by reference in 14 CFR 71.1. The airways listed in this document would be subsequently updated in the next edition of this Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J–107 [Amended]

From Los Angeles, CA; INT Los Angeles 083° and Hector, CA, 226° radials; Hector; Boulder City, NV; Milford, UT; Rock Springs, WY; Muddy Mountain, WY; to Dupree, SD.

* * * * *

J–515 [Amended]

From Whitehorse, YT, Canada; Northway, AK; Fairbanks, AK; Bettles, AK; to Barrow, AK. The airspace within Canada is excluded.

* * * * *

Paragraph 6010(a) VOR Federal Airways.

* * * * *

V–181 [Amended]

From Kirksville, MO; Lamoni, IA; Omaha, IA; Norfolk, NE; Yankton, SD; Sioux Falls, SD; Watertown, SD; 34 miles, 24 miles, 34 MSL, Fargo, ND; to Grand Forks, ND.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–407 Sioux Falls, SD (FSD) to ZOMTA, ND [New]

Sioux Falls, SD (FSD)	VORTAC	(Lat. 43°38′58.14″ N, long. 096°46′52.02″ W)
FFORT, SD	WP	(Lat. 44°58′47.45″ N, long. 097°08′30.36″ W)
Fargo, ND (FAR)	VOR/DME	(Lat. 46°45′12.01″ N, long. 096°51′04.75″ W)
Grand Forks, ND (GFK)	VOR/DME	(Lat. 47°57′17.40″ N, long. 097°11′07.33″ W)
WUBED, MN	FIX	(Lat. 48°43′30.50″ N, long. 097°07′40.81″ W)
ZOMTA, ND	FIX	(Lat. 49°00′00.00″ N, long. 097°07′54.80″ W)

Paragraph 7001 Domestic Low Altitude Reporting Points.

* * * * *

Humboldt, MN [Removed]

* * * * *

Issued in Washington, DC, on March 2, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–04873 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0113; Airspace Docket No. 21–AEA–2]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Doylestown, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface for Doylestown Airport, Doylestown, PA, to accommodate area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before April 26, 2021.

ADDRESSES: Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0113; Airspace Docket No. 21–AEA–2 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace for Doylestown Airport, Doylestown, PA, to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2021–0113 and Airspace Docket No. 21–AEA–2) and be submitted in triplicate to DOT Docket Operations (see ''**ADDRESSES**'' section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0113; Airspace Docket No. 21–AEA–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned

with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface at Doylestown Airport, Doylestown, PA, providing the controlled airspace required to support RNAV (GPS) standard instrument approach procedures for IFR operations at this airport.

Class E airspace designations are published in Paragraph 6005, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'', prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA PA E5 Doylestown, PA [New]

Doylestown Airport, PA
(Lat. 40°19′59″ N, long. 75°07′20″ W)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Doylestown Airport, and within 3.9 miles each side of the 050° bearing from the airport, extending from the 7.6-mile radius to 13.8 miles northeast of the airport.

Issued in College Park, Georgia, on March 3, 2021.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–04820 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0694; FRL–10017–06–Region 5]

Air Plan Approval; Ohio; Infrastructure SIP Requirements for the 2015 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a state implementation plan (SIP) submission from Ohio regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments must be received on or before April 9, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2018–0694 at *http://www.regulations.gov,* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider

comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background of this SIP submission?

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through our September 13, 2013, Infrastructure SIP Guidance (EPA's 2013 Guidance) and through regional actions on infrastructure submissions.[1] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[2] EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

II. What is EPA's analysis of this SIP submission?

On September 28, 2018, Ohio provided a detailed synopsis of how various components of its SIP meet each of the applicable requirements in section 110(a)(2) for the 2015 ozone NAAQS, as applicable. The following review evaluates the state's submission.

A. Section 110(a)(2)(A)—Emission Limits and Other Control Measures

This section requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance, and other related matters. EPA has long interpreted emission limits and control measures for attaining the standards as being due when nonattainment planning requirements are due.[3] In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

Under Ohio Revised Code (ORC) 3704.03, the Ohio Environmental Protection Agency (OEPA) holds the authority to create new rules and implement existing emission limits and controls. Authority to monitor, update, and implement revisions to Ohio's SIP, including revisions to emission limits and control measures as necessary to meet NAAQS is contained in ORC 3704.03. Authority related to specific pollutants, including the establishment of ambient air quality standards and increments, identification of nonattainment areas, air resource allocations, and performance and emissions standards, is contained in ORC 3704.03.

Authority for OEPA to create new rules and regulations is found in ORC 3704.3. ORC 3704.03(A) and (X) expressly confer rulemaking authority to the Director of environmental protection. ORC 3704.03(A) and (E) require that OEPA develop programs and promulgate rules for the prevention control, and abatement of air pollution. ORC 3704.03(D) requires that OEPA promulgate ambient air quality standards similar to the NAAQS.

EPA's 2013 Guidance states that to satisfy section 110(a)(2)(A) requirements, ''an air agency's submission should identify existing EPA-approved SIP provisions or new SIP provisions that the air agency has adopted and submitted for EPA approval that limit emissions of pollutants relevant to the subject NAAQS, including precursors of the relevant NAAQS pollutant where applicable.'' OEPA identified existing controls and emission limits in the Ohio Administrative Code that can be applied to the 2015 ozone NAAQS. These regulations include controls and emission limits for volatile organic compounds (VOC) and nitrogen oxides (NO_X), which are precursors to ozone. VOC as an ozone precursor is controlled by Ohio Administrative Code (OAC) 3745–14, and NO_X as an ozone precursor is controlled by OAC 3745–21.

In this rulemaking, EPA is not proposing to approve any new provisions in OAC 3745 that have not been previously approved by EPA. EPA is also not proposing to approve or disapprove any existing state provisions or rules regulated to start-up, shutdown or malfunction or director's discretion in the context of section 110(a)(2)(A). EPA has determined that Ohio's SIP provides the required basic structural provisions for the implementation of the NAAQS and proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(A) with respect to the 2015 ozone NAAQS.

B. Section 110(a)(2)(B)—Ambient Air Quality Monitoring/Data System

This section requires SIPs to include provisions to establish and operate ambient air quality monitors, collect and analyze ambient air quality data, and make these data available to EPA upon request. The review of the annual monitoring plan includes EPA's determination that the state: (i) Monitors air quality at appropriate locations throughout the state using EPA-approved Federal Reference Methods or Federal Equivalent Method monitors; (ii) submits data to EPA's Air Quality System (AQS) in a timely manner; and,

[1] EPA explains and elaborates on these ambiguities and its approach to address them in our September 13, 2013, Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf,* as well as in numerous agency actions, including EPA's prior action on Ohio's infrastructure SIP to address the 2012 fine particulate matter ($PM_{2.5}$) NAAQS (81 FR 64072, September 19, 2016).

[2] See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center* v. *EPA,* No. 16–71933 (Aug. 30, 2018).

[3] *e.g.,* EPA's final rule on ''National Ambient Air Quality Standards for Lead.'' 73 FR 66964 at 67034.

(iii) provides EPA Regional Offices with prior notification of any planned changes to monitoring sites or the network plan.

In accordance with 40 CFR part 53 and 40 CFR part 58, OEPA continues to operate an air monitoring network, which is used to determine compliance with the NAAQS. OEPA enters air monitoring data into AQS, and the state provides EPA with prior notification when changes to its monitoring network or plan are being considered. Further, OEPA submits annual monitoring network plans to EPA. EPA approved the state's 2020–2021 Annual Air Monitoring Network Plan on September 23, 2020, including the plan for the State's ozone monitoring network. EPA proposes that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(B) with respect to the 2015 ozone NAAQS.

C. Section 110(a)(2)(C)—Program for Enforcement of Control Measures; Minor NSR; PSD

States are required to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet new source review (NSR) requirements under prevention of significant deterioration (PSD) and nonattainment NSR (NNSR) programs. Part C of the CAA (sections 160–169B) addresses PSD, while part D of the CAA (sections 171–193) addresses NNSR requirements. EPA's 2013 Guidance states that the NNSR requirements of section 110(a)(2)(C) are generally outside the scope of infrastructure SIPs; however, a state must provide for regulation of minor sources and minor modifications (minor NSR).

1. Program for Enforcement of Control Measures

A state's infrastructure SIP submission should identify the statutes, regulations, or other provisions in the SIP that provide for enforcement of emission limits and control measures. OEPA maintains an enforcement program to ensure compliance with SIP requirements. OEPA compiles all air pollution control enforcement settlements in the state and makes them available for public review on its website. ORC 3704.03(R) provides the Director of OEPA with the authority to implement the enforcement program as well as the authority to implement the NSR provisions within OAC 3745–31. EPA proposes that Ohio has met the enforcement of SIP measures requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

2. Minor NSR

An infrastructure SIP submission should identify the existing EPA-approved SIP provisions that govern the minor source pre-construction program that regulates emissions of the relevant NAAQS pollutant. EPA approved Ohio's minor NSR program on February 21, 2002 (see 67 FR 7954); since that date, OEPA and EPA have relied on the existing minor NSR program to ensure that new and modified sources not captured by the major NSR permitting programs do not interfere with attainment and maintenance of the NAAQS. As stated in EPA's 2013 Guidance, the CAA allows EPA to approve infrastructure SIP submissions that do not implement the 2002 NSR Reform Rules. Therefore, EPA is not proposing action on existing NSR Reform regulations for Ohio. EPA proposes that Ohio has met the minor NSR requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

3. PSD

The evaluation of each state's submission addressing the PSD requirements of section 110(a)(2)(C) covers: A. PSD provisions that explicitly identify NO_X as a precursor to ozone in the PSD program; b. identification of precursors to $PM_{2.5}$[4] and the identification $PM_{2.5}$ and PM_{10}[5] condensables in the PSD program; c. $PM_{2.5}$ increments in the PSD program; and d. greenhouse gas (GHG) permitting and the ''Tailoring Rule'' in the PSD program.[6] Some PSD requirements under section 110(a)(2)(C) overlap with elements of section 110(a)(2)(D)(i), section 110(a)(2)(E), and section 110(a)(2)(J). These links will be discussed in the appropriate areas below.

a. PSD Provisions that explicitly identify NO_X as a precursor to ozone in the PSD program.

EPA's ''Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule to Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter, and Ozone NAAQS; Final Rule for Reformulated Gasoline'' (Phase 2 Rule) was published on November 29, 2005 (see 70 FR 71612). Among other requirements, the Phase 2 Rule obligated states to revise their PSD programs to explicitly identify NO_X as a precursor to ozone (70 FR 71612 at 71679, 71699–71700). This requirement was codified in 40 CFR 51.166.[7]

The Phase 2 Rule required that states submit SIP revisions incorporating the requirements of the rule, including these specific NO_X as a precursor to ozone provisions, by June 15, 2007 (70 FR 71612 at 71683, November 29, 2005).

EPA approved revisions to Ohio's PSD SIP reflecting these requirements on October 28, 2014 (79 FR 64119), and therefore proposes to find that Ohio has met this set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

b. Identification of precursors to $PM_{2.5}$ and the identification of $PM_{2.5}$ and PM_{10} condensables in the PSD program.

On May 16, 2008 (see 73 FR 28321), EPA issued the Final Rule on the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' (2008 NSR Rule). The 2008 NSR Rule finalized several new requirements for SIPs to address sources that emit direct $PM_{2.5}$ and other pollutants that contribute to secondary $PM_{2.5}$ formation. One of these requirements is for NSR permits to address pollutants responsible for the secondary formation of $PM_{2.5}$, otherwise known as precursors. In the 2008 rule, EPA identified precursors to $PM_{2.5}$ for the PSD program to be sulfur dioxide (SO_2) and NO_X (unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that NO_X emissions in an area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations). The 2008 NSR Rule also specifies that VOCs are not considered to be precursors to $PM_{2.5}$ in the PSD program unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of VOCs in an area are significant contributors to

[4] $PM_{2.5}$ refers to particles with an aerodynamic diameter of less than or equal to 2.5 micrometers, oftentimes referred to as ''fine'' particles.

[5] PM_{10} refers to particles with an aerodynamic diameter of less than or equal to 10 micrometers.

[6] In EPA's April 28, 2011, proposed rulemaking for infrastructure SIPs for the 1997 ozone and $PM_{2.5}$ NAAQS, we stated that each state's PSD program must meet applicable requirements for evaluation of all regulated NSR pollutants in PSD permits (see 76 FR 23757 at 23760). This view was reiterated in EPA's August 2, 2012, proposed rulemaking for infrastructure SIPs for the 2006 $PM_{2.5}$ NAAQS (see 77 FR 45992 at 45998). In other words, if a state lacks provisions needed to adequately address NO_X as a precursor to ozone, $PM_{2.5}$ precursors, $PM_{2.5}$ and PM_{10} condensables, $PM_{2.5}$ increments, or the Federal GHG permitting thresholds, the provisions of section 110(a)(2)(C) requiring a suitable PSD permitting program must be considered not to be met irrespective of the NAAQS that triggered the requirement to submit an infrastructure SIP, including the 2015 ozone NAAQS.

[7] Similar changes were codified in 40 CFR 52.21.

that area's ambient $PM_{2.5}$ concentrations.

The explicit references to SO_2, NO_X, and VOCs as they pertain to secondary $PM_{2.5}$ formation are codified at 40 CFR 51.166(b)(49)(i)(b) and 40 CFR 52.21(b)(50)(i)(b). As part of identifying pollutants that are precursors to $PM_{2.5}$, the 2008 NSR Rule also required states to revise the definition of ''significant'' as it relates to a net emissions increase or the potential of a source to emit pollutants. Specifically, 40 CFR 51.166(b)(23)(i) and 40 CFR 52.21(b)(23)(i) define ''significant'' for $PM_{2.5}$ to mean the following emissions rates: 10 tons per year (tpy) of direct $PM_{2.5}$; 40 tpy of SO_2; and 40 tpy of NO_X (unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that NO_X emissions in an area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations). The deadline for states to submit SIP revisions to their PSD programs incorporating these changes was May 16, 2011 (73 FR 28321 at 28341, May 16, 2008).[8]

The 2008 NSR Rule did not require states to immediately account for gases that could condense to form particulate matter, known as condensables, in $PM_{2.5}$ and PM_{10} emission limits in NSR permits. Instead, EPA determined that states had to account for $PM_{2.5}$ and PM_{10} condensables for applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in PSD permits beginning on or after January 1, 2011. This requirement is codified in 40 CFR 51.166(b)(49)(i)(a) and 40 CFR 52.21(b)(50)(i)(a). Revisions to states' PSD programs incorporating the inclusion of condensables were required be submitted to EPA by May 16, 2011 (73 FR 28321 at 28341, May 16, 2008).

EPA approved revisions to Ohio's PSD SIP reflecting these requirements on October 28, 2014 (79 FR 64119), and therefore EPA proposes to find that Ohio has met this set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

c. $PM_{2.5}$ increments in the PSD program.

On October 20, 2010, EPA issued the final rule on the ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)'' (2010 NSR Rule). This rule established several components for making PSD permitting determinations for $PM_{2.5}$, including a system of ''increments'' which is the mechanism used to estimate significant deterioration of ambient air quality for a pollutant. These increments are codified in 40 CFR 51.166(c) and 40 CFR 52.21(c), and are included in the table below.

TABLE 1—$PM_{2.5}$ INCREMENTS ESTABLISHED BY THE 2010 NSR RULE IN MICROGRAMS PER CUBIC METER

	Annual arithmetic mean	24-hour max
Class I	1	2
Class II	4	9
Class III	8	18

The 2010 NSR Rule also established a new ''major source baseline date'' for $PM_{2.5}$ as October 20, 2010, and a new trigger date for $PM_{2.5}$ as October 20, 2011. These revisions are codified in 40 CFR 51.166(b)(14)(i)(c) and (b)(14)(ii)(c), and 40 CFR 52.21(b)(14)(i)(c) and (b)(14)(ii)(c). Lastly, the 2010 NSR Rule revised the definition of ''baseline area'' to include a level of significance of 0.3 micrograms per cubic meter, annual average, for $PM_{2.5}$. This change is codified in 40 CFR 51.166(b)(15)(i) and 40 CFR 52.21(b)(15)(i).

EPA approved revisions to Ohio's PSD SIP reflecting these requirements on October 28, 2014 (79 FR 64119), and therefore EPA proposes to find that Ohio has met this set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

d. GHG permitting and the ''Tailoring Rule'' in the PSD program.

With respect to the requirements of section 110(a)(2)(C) as well as section 110(a)(2)(J), EPA interprets the CAA to require each state to make an infrastructure SIP submission for a new or revised NAAQS that demonstrates that the state has a complete PSD permitting program meeting the current requirements for all regulated NSR pollutants. The requirements of element D(i)(II) may also be satisfied by demonstrating the air agency has a complete PSD permitting program correctly addressing all regulated NSR pollutants. Ohio currently has a SIP-approved PSD program in place that covers all regulated NSR pollutants. Ohio has shown that it currently has a PSD program in place that covers all regulated NSR pollutants, including GHGs.

On June 23, 2014, the United States Supreme Court issued a decision addressing the application of PSD permitting requirements to GHG emissions. *Utility Air Regulatory Group* v. *Environmental Protection Agency,* 134 S.Ct. 2427. The Supreme Court said that EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. The Court also said that EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT).

In accordance with the Supreme Court decision, on April 10, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (the D.C. Circuit) issued an amended judgment vacating the regulations that implemented Step 2 of EPA's PSD and Title V Greenhouse Gas Tailoring Rule, but not the regulations that implement Step 1 of that rule. Step 1 of the Tailoring Rule covers sources that are required to obtain a PSD permit based on emissions of pollutants other than GHGs. Step 2 applied to sources that emitted only GHGs above the thresholds triggering the requirement to obtain a PSD permit. The amended judgment preserves, without the need for additional rulemaking by EPA, the application of the BACT requirement to GHG emissions from Step 1 or ''anyway'' sources. With respect to Step 2 sources, the D.C. Circuit's amended judgment vacated the regulations at issue in the litigation, including 40 CFR 51.166(b)(48)(v), ''to the extent they

[8] EPA notes that on January 4, 2013, the U.S. Court of Appeals for the D.C. Circuit, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), held that EPA should have issued the 2008 NSR Rule in accordance with the CAA's requirements for PM_{10} nonattainment areas (Title I, part D, subpart 4), and not the general requirements for nonattainment areas under subpart 1 (*Natural Resources Defense Council* v. *EPA,* No. 08–1250). As the subpart 4 provisions apply only to nonattainment areas, EPA does not consider the portions of the 2008 rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the court's opinion. Moreover, EPA does not anticipate the need to revise any PSD requirements promulgated by the 2008 NSR rule in order to comply with the court's decision. Accordingly, EPA's approval of Ohio's infrastructure SIP as to elements (C), (D)(i)(II), or (J) with respect to the PSD requirements promulgated by the 2008 implementation rule does not conflict with the court's opinion.

The Court's decision with respect to the nonattainment NSR requirements promulgated by the 2008 implementation rule also does not affect EPA's action on the present infrastructure action. EPA interprets the CAA to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program, from infrastructure SIP submissions due three years after adoption or revision of a NAAQS. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which would be due by the dates statutorily prescribed under subpart 2 through 5 under part D, extending as far as 10 years following designations for some elements.

require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emission increase from a modification.''

EPA is planning to take additional steps to revise Federal PSD rules in light of the Supreme Court opinion and subsequent D.C. Circuit judgment. Some states have begun to revise their existing SIP-approved PSD programs in light of these court decisions, and some states may prefer not to initiate this process until they have more information about the planned revisions to EPA's PSD regulations. EPA is not expecting states to have revised their PSD programs in anticipation of EPA's planned actions to revise its PSD program rules in response to the court decisions. For purposes of infrastructure SIP submissions, EPA is only evaluating such submissions to assure that the state's program addresses GHGs consistent with both court decisions.

On February 14, 2020, EPA updated the Ohio SIP to include revised PSD rules reflecting the Supreme Court decision and D.C. Circuit judgement, and preserving PSD permitting requirements for GHGs for ''anyway'' sources (see 85 FR 8406). EPA proposes to find that the Ohio SIP is sufficient to satisfy Elements (C), (D)(i)(II), and (J) with respect to GHGs. This is because the PSD permitting program previously approved by EPA into the SIP continues to require that PSD permits issued to ''anyway sources'' contain limitations on GHG emissions based on the application of BACT.

D. Section 110(a)(2)(D)—Interstate Transport

Section 110(a)(2)(D)(i)(I) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another state. Section 110(a)(2)(D)(i)(II) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality, or from interfering with measures required of any other state to protect visibility. Section 110(a)(2)(D)(ii) requires each SIP to contain adequate provisions requiring compliance with the applicable requirements of section 126 and section 115 (relating to interstate and international pollution abatement, respectively).

1. Significant Contribution to Nonattainment

In this rulemaking, EPA is not evaluating section 110(a)(2)(D)(i)(I) requirements relating to significant contribution to nonattainment for the 2015 ozone NAAQS. Instead, EPA will evaluate these requirements in a separate rulemaking.

2. Interference With Maintenance

In this rulemaking, EPA is not evaluating section 110(a)(2)(D)(i)(I) requirements relating to interference with maintenance for the 2015 ozone NAAQS. Instead, EPA will evaluate these requirements in a separate rulemaking.

3. Interference With PSD

EPA notes that Ohio's satisfaction of the applicable infrastructure SIP PSD requirements for the 2015 ozone NAAQS has been detailed in the section addressing section 110(a)(2)(C). EPA further notes that the proposed actions in that section related to PSD are consistent with the proposed actions related to PSD for section 110(a)(2)(D)(i)(II), and they are reiterated below.

EPA has previously approved revisions to Ohio's SIP that meet certain requirements obligated by the Phase 2 Rule and the 2008 NSR Rule. These revisions included provisions that: Explicitly identify NO_X as a precursor to ozone, explicitly identify SO_2 and NO_X as precursors to $PM_{2.5}$, and regulate condensable $PM_{2.5}$ and PM_{10} in applicability determinations and establishing emissions limits. EPA has also previously approved revisions to Ohio's SIP that incorporate the $PM_{2.5}$ increments and the associated implementation regulations including the major source baseline date, trigger date, and level of significance for $PM_{2.5}$ per the 2010 NSR Rule. EPA is proposing to find that Ohio's SIP contains provisions that adequately address the 2015 ozone NAAQS.

States also have an obligation to ensure that sources located in nonattainment areas do not interfere with a neighboring state's PSD program. One way that this requirement can be satisfied is through an NNSR program consistent with the CAA that addresses any pollutants for which there is a designated nonattainment area within the state.

Ohio's EPA-approved NNSR regulations are contained in OAC Chapter 3745–31 and are consistent with 40 CFR 51.165. Therefore, EPA proposes to find that Ohio has met all of the applicable section 110(a)(2)(D)(i)(II) requirements relating to interference with PSD for the 2015 ozone NAAQS.

4. Interference With Visibility Protection

With regard to the applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II), states are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). EPA's 2013 Guidance states that these requirements can be satisfied by an approved SIP addressing reasonably attributable visibility impairment, if required, or an approved SIP addressing regional haze.

On May 10, 2018, EPA published its final approval of Ohio's regional haze plan (see 83 FR 21719). Therefore, EPA proposes to find that Ohio has met all applicable section 110(a)(2)(D)(i)(II) requirements relating to interference with visibility protection for the 2015 ozone NAAQS.

5. Interstate and International Pollution Abatement

Section 110(a)(2)(D)(ii) requires each SIP to contain adequate provisions requiring compliance with the applicable requirements of section 126 and section 115 (relating to interstate and international pollution abatement, respectively). Section 126(a) requires new or modified sources to notify neighboring states of potential impacts from the source. The statute does not specify the method by which the source should provide the notification. States with SIP-approved PSD programs must have a provision requiring such notification by new or modified sources. A lack of such a requirement in state rules would be grounds for disapproval of this element.

Ohio has provisions in its EPA-approved PSD program in OAC 3745–31–06(H)(2) requiring new or modified sources to notify neighboring states of potential negative air quality impacts. Ohio's submission references these provisions as being adequate to meet the requirements of section 126(a). Ohio does not have any obligations under any other subsection of section 126, nor does it have any pending obligations under section 115. Therefore, EPA is proposing to find that Ohio has met all applicable section 110(a)(2)(D)(ii) requirements for the 2015 ozone NAAQS.

E. Section 110(a)(2)(E)—Adequate Resources; State Board Requirements

This section requires each state to provide for adequate personnel, funding, and legal authority under state

law to carry out its SIP, and related issues. Section 110(a)(2)(E)(ii) also requires each state to comply with the requirements respecting state boards under section 128.

1. Adequate Resources

To satisfy the adequate resources requirements of section 110(a)(2)(E), the state should explain in the infrastructure SIP submission how resources and personnel and legal authority are adequate and provide any additional assurances needed to meet changes in resource requirements by the new or revised NAAQS.

Ohio's biennial budget and its environmental performance partnership agreement with EPA document funding and personnel levels for OEPA every two years. OEPA has demonstrated that it retains adequate personnel to administer its air quality management program. As discussed in an earlier section, ORC 3704.03 provides the legal authority under state law to carry out the SIP. EPA proposes that Ohio has met the infrastructure SIP requirements of this portion of section 110(a)(2)(E) with respect to the 2015 ozone NAAQS.

2. State Board Requirements

Section 110(a)(2)(E) also requires each SIP to contain provisions that comply with the state board requirements of section 128 of the CAA. That provision contains two explicit requirements: (i) That any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (ii) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

Ohio does not have a board that has the authority to approve enforcement orders or permitting actions as outlined in section 128(a)(1) of the CAA; instead, this authority rests with the Director of OEPA. Therefore, section 128(a)(1) of the CAA is not applicable in Ohio.

Under section 128(a)(2), the head of the executive agency with the power to approve enforcement orders or permits must adequately disclose any potential conflicts of interest. OEPA notes that EPA has previously approved provisions into Ohio's SIP addressing these requirements (46 FR 57490). Notably, ORC 102: Public Officers—Ethics contains provisions that require the Director of OEPA (and his/her delegate) to file an annual statement with the ethics committee including potential conflicts of interest; furthermore, this annual filing is subject to public inspection. Therefore, EPA proposes to find that Ohio has met the applicable infrastructure SIP requirements of this portion of 110(a)(2)(E) with respect to the 2015 ozone NAAQS.

F. Section 110(a)(2)(F)—Stationary Source Monitoring System

Section 110(a)(2)(F) contains several requirements, each of which are described below.

1. Installation, maintenance, replacement of equipment, and other necessary steps by owners or operators of stationary sources to monitor emissions from such sources.

EPA's rules regarding how SIPs need to address requirements for source monitoring are contained in 40 CFR 51.212 (''Testing, inspection, enforcement, and compliance''). This EPA regulation requires SIPs to provide for a program of periodic testing and inspection of stationary sources, to provide for the identification of allowable test methods, and to exclude any provision that would prevent the use of any credible evidence of noncompliance.

The requirements for Ohio source testing of air contaminants are found in SIP-approved OAC 3745–15 along with general provisions that include submitting of emissions reports and measurement of emissions. SIP-approved OAC rule 3745–21–03 addresses methods of ambient air measurements for ozone. SIP-approved OAC Chapters 3745–77 and 3745–31 provide requirements for recordkeeping by sources. Ohio has the authority under SIP-approved ORC 3704.03(I) to require owners or operators of air contaminant sources to install, employ, maintain and operate such emissions, ambient air quality, meteorological, or other monitoring devices or methods as the Director of OEPA shall prescribe; to sample those emissions at such locations, at such intervals, and in such manner as the Director of OEPA prescribes; to maintain records and file periodic reports with the Director of OEPA containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the Director of OEPA prescribes; and to provide such written notice to other states as the Director of OEPA shall prescribe. Ohio does not have any provisions preventing the use of any credible evidence.

Hundreds of emission tests are performed throughout Ohio each year. OEPA District Offices and local air agencies are currently required to witness 50% of all source emissions testing and review 100% of all emissions tests (fulfilling the correlation requirement of sub-element 3 discussed below). Presently, 290 Ohio sources employ 738 continuous monitoring systems for various air pollutants. OEPA oversees the operation and certification of these systems and routinely provides quarterly summary reports to EPA. These reports are also available for public inspection (partially fulfilling the public inspection component of sub-element 3 discussed below).

Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(F)(i) with respect to the 2015 ozone standard.

2. Periodic reports on the nature and amounts of emissions and emissions-related data from stationary sources.

To address periodic reporting requirements, the infrastructure SIP submission should include air agency requirements providing for periodic reporting of emissions and emissions-related data by sources to the air agency, as required by the following emissions reporting requirements: 40 CFR 51.211 (''Emissions reports and recordkeeping''); 40 CFR 51.321 through 51.323 (''Source Emissions and State Action Reporting''); and EPA's Air Emissions Reporting Rule, 40 CFR part 51, subpart A (''Air Emissions Reporting Requirements'').[9] The section 51.321 requirement that emissions reports from states be made through the appropriate EPA Regional Office has been superseded in practice, as these data are now to be reported electronically through a centralized data portal pursuant to 40 CFR 51.45(b), which refers to the website *http://www.epa.gov/ttn/chief* which was moved to *https://www.epa.gov/chief* for the latest information on data reporting procedures. All states have existing periodic source reporting of emissions and emission inventory reporting practices. Thus, for any new or revised NAAQS, the infrastructure SIP may be able to certify existing authority and commitments and provide any additional assurance needed to meet changes in reporting and inventory requirements associated with the new or revised NAAQS.

OEPA has reporting requirements consistent with 40 CFR 51.211, 40 CFR 51.321 to 323, and 40 CFR part 51, subpart A. Under Title V of the CAA,

[9] 40 CFR 51.321 through 51.323 nominally address emission reporting but merely cross-reference to subpart A.

facilities that have the potential to emit certain amounts of air pollution are required to apply for and obtain a state-federal operating permit and pay emission fees. In Ohio, facilities are required to file on April 15th of each year. The Fee Emissions Report (FER) requirements are outlined in ORC 3745.11 and OAC rule 3745–78–02. Facilities are required to apply for and obtain an air pollution control operating permit and submit an annual emissions report for estimated actual facility wide emissions of particulate matter (PM), SO_2, NO_X, organic compounds (OC), lead, carbon monoxide (CO), and ammonia (NH_3) no later than April 15th for the previous year. Also, OEPA has the authority under OAC 3745–15–03 to request and receive the information from regulated entities. Ohio provides an Emission Inventory Summary (EIS) to EPA to develop an annual criteria and toxic pollutant inventory pursuant to 40 CFR 51.321. Beginning with the calendar year 2006 inventory, all Ohio Title V and synthetic minor facilities are required to file a complete inventory. Pollutants required to be reported in the EIS are: NO_X, VOC, SO_2, Lead, OC, CO, NH_3, PM-condensable, PM-filterable, PM_{10}-filterable, and $PM_{2.5}$-filterable. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(F)(ii) with respect to the 2015 ozone standard.

3. Correlation of emissions reports by the State agency with any applicable emission limitations or standards, reports shall be available at reasonable times for public inspection.

For this sub-element, the infrastructure SIP submission should reference and describe existing air agency requirements that have been approved into the SIP by EPA, or include air agency requirements being newly submitted, that provide for the following: (1) Correlation [10] by the air agency of emissions reports by sources with applicable emission limitations or standards; and (2) the public availability of emission reports by sources. Under 40 CFR part 51 subpart G, 40 CFR 51.116 (''Data availability''), contains the requirements for correlating data. Correlation with applicable emissions limitations or standards is relevant only for those reports of source emissions that reflect the test method(s) and averaging period(s) specified in applicable emission limitations or standards. Thus, source reports of annual, ozone season, or summer day emissions used by the air agency to create the annual and triennial emission inventory submission to EPA under 40 CFR part 51 subpart A in general would not need to be correlated with specific emission limitations or standards, as many sources do not have applicable emission limitations defined for those averaging periods. However, if the sources have applicable emissions limitations that are defined for these averaging periods, then they would need to be correlated.

As stated previously, OEPA District Offices and local air agencies are currently required to review 100% of all source emissions tests fulfilling the correlation requirement of this sub-element. Also as stated previously, OEPA has reporting requirements consistent with 40 CFR 51.211, 40 CFR 51–321 to 323, and 40 CFR part 51, subpart A. Ohio's source emission reports are available upon request by EPA or other interested parties. Additionally, EIS Data and Reports can be downloaded from the OEPA website at *https://www.epa.ohio.gov/dapc/aqmp/eiu/eis#126013925-download-eis-data-and-reports.* Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(F)(iii) with respect to the 2015 ozone standard.

G. Section 110(a)(2)(G)—Emergency Powers

This section requires that a plan provide for authority that is analogous to what is provided in section 303 of the CAA, and adequate contingency plans to implement such authority. EPA's 2013 Guidance states that infrastructure SIP submissions should specify authority, rested in an appropriate official, to restrain any source from causing or contributing to emissions which present an imminent and substantial endangerment to public health or welfare, or the environment.

The regulations at OAC 3745–25 contain provisions which allow the Director of OEPA to determine the conditions that comprise air pollution alerts, warnings, and emergencies. Moreover, the rules contained in OAC 3745–25 provide the requirement to implement emergency action plans in the event of an air quality alert or higher. Based on the above, EPA proposes to find that Ohio has met the applicable infrastructure SIP requirements of section 110(a)(2)(G) related to authority to implement measures to restrain sources from causing or contributing to emissions which present an imminent and substantial endangerment to public health or welfare, or the environment with respect to the 2015 ozone NAAQS.

H. Section 110(a)(2)(H)—Future SIP Revisions

This section requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or to an EPA finding that the SIP is substantially inadequate. As previously mentioned, ORC 3704.03 provides the Director of OEPA with the authority to develop rules and regulations necessary to meet ambient air quality standards in all areas in the state as expeditiously as practicable, but not later than any deadlines applicable under the CAA. ORC 3704.03 also provides the Director of OEPA with the authority to develop programs for the prevention, and abatement of air pollution. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(H) with respect to the 2015 ozone NAAQS.

I. Section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D

The CAA requires that each plan or plan revision for an area designated as a nonattainment area meet the applicable requirements of part D of the CAA. Part D relates to nonattainment areas. EPA has determined that section 110(a)(2)(I) is not applicable to the infrastructure SIP process. Instead, EPA takes action on part D attainment plans through separate processes.

J. Section 110(a)(2)(J)—Consultation With Government Officials; Public Notifications; PSD; Visibility Protection

The evaluation of the submissions from Ohio with respect to the requirements of section 110(a)(2)(J) are described below.

1. Consultation With Government Officials

States must provide a process for consultation with local governments and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements.

OEPA actively participates in the regional planning efforts that include state rule developers, representatives from the FLMs, and other affected stakeholders. Additionally, Ohio is an active member of the Lake Michigan Air Directors Consortium, which consists of collaboration with the States of Illinois, Indiana, Wisconsin, Michigan, and Minnesota. OAC 3745–31–06 is a SIP-approved rule which requires

[10] As defined in 40 CFR 51.116(c), the term ''correlated'' means ''presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures.''

notification and the availability of public participation related to NSR actions; notification is provided to the general public, executives of the city or county where the source is located, other state or local air pollution control agencies, regional land use planning agencies, and FLMs. OAC 3704.03(K) is a SIP-approved rule that requires OEPA give reasonable public notice and conduct public hearings on any plans for the prevention, control, and abatement of air pollution that the Director of OEPA is required to submit to EPA. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of this portion of section 110(a)(2)(J) with respect to the 2015 ozone NAAQS.

2. Public Notification

Section 110(a)(2)(J) requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

OEPA maintains portions of its website specifically for issues related to the 2015 ozone NAAQS.[11] OEPA's remote air data system (RADS) provides online reports of real time air quality data on the internet and feeds raw information to EPA's AIRNOW program. OEPA also prepares annual data reports from its complete monitoring network. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of this portion of section 110(a)(2)(J) with respect to the 2015 ozone NAAQS.

3. PSD

States must meet applicable requirements of section 110(a)(2)(C) related to PSD. OEPA's PSD program in the context of infrastructure SIPs has already been discussed above in the paragraphs addressing section 110(a)(2)(C) and 110(a)(2)(D)(i)(II), and EPA has determined that that the proposed actions for those sections are consistent with the proposed actions for this portion of section 110(a)(2)(J).

Therefore, EPA proposes to find that Ohio has met all of the infrastructure SIP requirements for PSD associated with section 110(a)(2)(J) for the 2015 ozone NAAQS.

4. Visibility Protection

States are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, we find that there is no new visibility obligation ''triggered'' under section 110(a)(2)(J) when a new NAAQS becomes effective. In other words, EPA has determined that the visibility protection requirements of section 110(a)(2)(J) are not germane to infrastructure SIPs for the 2015 ozone NAAQS.

K. Section 110(a)(2)(K)—Air Quality Modeling/Data

SIPs must provide for air quality modeling for predicting effects on air quality of emissions from any NAAQS pollutant and submission of such data to EPA upon request. OEPA reviews the potential impact of all major and some minor new and modified sources using computer model simulations consistent with 40 CFR part 51, appendix W, Guidelines on Air Quality Models. The regulatory requirements related to PSD modeling can be found in SIP-approved rule OAC 3745–31–18, and Ohio's authority to require modeling conducted by other entities, *e.g.,* applicants, and the state's authority to perform modeling for attainment demonstrations can be found in SIP-approved ORC 3704.03(F). Ohio also develops area-wide air quality modeling related to attainment demonstrations. Ohio's authority to conduct this type of modeling lies within SIP-approved ORC 3704.03(A), (C), (E), (N) and (X). These modeling data are available to EPA or other interested parties upon request. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(K) with respect to the 2015 ozone NAAQS.

L. Section 110(a)(2)(L)—Permitting Fees

This section requires SIPs to mandate each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing, and enforcing a permit. OEPA implements and operates the title V permit program, which EPA approved on August 15, 1995 (60 FR 42045); revisions to the program were approved on November 20, 2003 (68 FR 65401). Additional rules that contain the provisions, requirements, and structures associated with the costs for reviewing, approving, implementing, and enforcing various types of permits can be found in ORC 3745.11 and OAC rule 3745–78–02. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(L) with respect to the 2015 ozone NAAQS.

M. Section 110(a)(2)(M)—Consultation/ Participation by Affected Local Entities

States must consult with and allow participation from local political subdivisions affected by the SIP. OEPA follows approved procedures for allowing public participation, consistent with SIP-approved OAC 3745–47. Consultation with local governments is authorized through ORC 3704.03(B). OEPA provides a public participation process for all stakeholders that includes a minimum of a 30-day comment period and opportunity to request a public hearing for all SIP-related actions. Based on the above, EPA proposes to find that Ohio has met the infrastructure SIP requirements of section 110(a)(2)(M) with respect to the 2015 ozone NAAQS.

III. What action is EPA taking?

EPA is proposing to approve most elements of a submission from Ohio certifying that its current SIP is sufficient to meet the infrastructure requirements in sections 110(a)(1) and (2) with respect to the 2015 ozone NAAQS. EPA's proposed actions for the state's satisfaction of infrastructure SIP requirements, by element of section 110(a)(2) are contained in the table below.

Element	2015 ozone NAAQS
(A)—Emission limits and other control measures	A
(B)—Ambient air quality monitoring/data system	A
(C)1—Program for enforcement of control measures	A
(C)2—PSD	A
(D)1—I Prong 1: Interstate transport—significant contribution	NA
(D)2—I Prong 2: Interstate transport—interfere with maintenance	NA
(D)3—II Prong 3: Interstate transport—prevention of significant deterioration	A

[11] *http://www.epa.ohio.gov/dapc/sip/sip.aspx.*

Element	2015 ozone NAAQS
(D)4—II Prong 4: Interstate transport—protect visibility	A
(D)5—Interstate and international pollution abatement	A
(E)1—Adequate resources	A
(E)2—State board requirements	A
(F)1—Monitoring/Testing Source Emissions	A
(F)2—Periodic Source Emissions Reports	A
(F)3—Correlation and Public Availability of Source Emissions Reports and Data	A
(G)—Emergency power	A
(H)—Future SIP revisions	A
(I)—Nonattainment planning requirements of part D	*
(J)1—Consultation with government officials	A
(J)2—Public notification	A
(J)3—PSD	A
(J)4—Visibility protection	*
(K)—Air quality modeling/data	A
(L)—Permitting fees	A
(M)—Consultation and participation by affected local entities	A

In the above table, the key is as follows:

A	Approve.
NA	No Action/Separate Rulemaking.
*	Not germane to infrastructure SIPs.

IV. 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 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: February 4, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–02743 Filed 3–9–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2020–0165; FRL–10018–30–Region 6]

Air Approval Plans; Texas; Reasonably Available Control Technology in the Houston-Galveston-Brazoria Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve the May 13, 2020 revisions to the Texas State Implementation Plan (SIP) concerning Reasonably Available Control Technology (RACT) requirement for the Houston-Galveston-Brazoria (HGB), 2008 8-hour ozone National Air Quality Ambient Air Quality Standards (NAAQS) nonattainment area (NA). The HGB area, designated as serious for 2008 8-hour ozone NAAQS, consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. The RACT requirements apply to sources of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X) in this area. We are also proposing to approve negative declarations for certain VOC source categories subject to RACT in the HGB area.

DATES: Written comments must be received on or before April 9, 2021.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2020–0165, at *https://www.regulations.gov* or via email to *Todd.Robert@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Robert M. Todd, (214) 665–2156, *Todd.Robert@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Robert M. Todd, 214–665–2156, *Todd.Robert@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov,* as there may be a delay in processing mail and courier or hand deliveries may not be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

VOC and NO_X help produce ground-level ozone, or smog, which harms human health and the environment. Sections 182(b)(2) and (f) require that SIPs for ozone nonattainment areas classified as moderate or above include implementation of RACT for any source covered by a Control Techniques Guidelines (CTG) document and also for any major source of VOC or NO_X not covered by a CTG. It is worth noting that for some CTG categories, RACT is applicable to minor or area sources. The EPA has defined RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. See September 17, 1979 (44 FR 53761).

For a Moderate, Serious, or Severe area a major stationary source is one that emits, or has the potential to emit, 100, 50, or 25 tons per year (tpy) or more of VOCs or NO_X, respectively. See CAA sections 182(b), 182(c), and 182(d). The EPA provides states with guidance concerning what types of controls could constitute RACT for a given source category through the issuance of CTG and Alternative Control Techniques (ACT) documents. See *https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques* (URL dating November 12, 2020) for a listing of EPA-issued CTGs and ACTs.

On March 27, 2008, the EPA revised the primary and secondary Ozone (O_3) standard to a level of 75 parts per billion (ppb). On October 26, 2015, (80 FR 65292) EPA adopted another revision to the Ozone standard, but the 2008 standard remains in place. This notice concerns the VOC RACT requirements under the 2008 standard.

Promulgation of a NAAQS triggers a requirement for the EPA to designate areas as nonattainment, attainment, or unclassifiable, and to classify the NAs at the time of designation. On May 21, 2012, the EPA established initial area designations for most areas of the country with respect to the 2008 primary and secondary eight-hour O_3 NAAQS. The EPA published two rules addressing final implementation [1] and air quality designations.[2] The implementation rule established classifications, associated attainment deadlines, and revoked the 1997 O_3 standards for transportation conformity purposes. The designation rule finalized the NAA boundaries for areas that did not meet the 75 ppb standard. Furthermore, the finalized nonattainment areas were classified according to the severity of their O_3 air quality problems as determined by each area's design value.[3] The O_3 classification categories were defined as Marginal, Moderate, Serious, Severe, or Extreme.

Originally the HGB area was classified as ''marginal'' (77 FR 30088 and 77 FR 30160, May 21, 2012).[4] However, the HGB area did not meet the revised attainment deadline of July 20, 2016 and was reclassified to moderate. Based on the moderate classification of the HGB area for the 2008 ozone standard, under section 182(b) of the CAA, a major stationary source in the area is one that emits, or has the potential to emit, 100 tpy or more of VOCs or NO_X. However, on August 23, 2019 (84 FR 44238), we found the HGB area did not meet the attainment date for the moderate classification under the 2008 O_3 NAAQS and designated the area to be a ''serious'' nonattainment area with an attainment date of July 20, 2021. Under the ''serious'' designation the major source threshold is 50 tpy or more of VOC or NO_X. In our action reclassifying HGB to serious, we set a deadline of August 3, 2021 for TCEQ to provide a demonstration that RACT was in place as necessary to meet the serious area requirements.

On May 13, 2020 Texas submitted its SIP demonstration that serious level RACT for sources of VOC and NO_X emissions in the HGB area is met for the 2008 NAAQS. Texas, in its SIP analyses [5] to identify major stationary sources of NO_X and VOC reviewed the TCEQ 2017 point source emissions inventory, New Source Review and Clean Air Act Title V databases to locate potential sources. All sources in the Title V database that were listed as a major source for NO_X or VOC emissions are included in the RACT analysis. TCEQ noted that they reviewed sources that reported actual emissions as low as 25 tpy of NO_X or VOC to account for the difference between actual and potential emissions. TCEQ also noted that sites

[1] See 77 FR 30160 ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes.''

[2] See 77 FR 30088, ''Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards.''

[3] The air quality design value for the 8-hour ozone NAAQS is the three-year average of the annual fourth highest daily maximum 8-hour average ozone concentration. See 40 CFR part 50, appendix I.

[4] Subsequently the attainment deadlines were revised under the marginal classification. 80 FR 12264, March 6, 2015; 81 FR 26697, May 4, 2016).

[5] See Appendix F, *Reasonably Available control Technology Analysis,* of the state's SIP submittal, available at *https://www.tceq.texas.gov/assets/public/implementation/air/sip/hgb/hgb_serious_AD_2019/HGB_AD_SIP_19077SIP_AppendixF_adoption.pdf.* Last accessed November 16, 2020.

from the emissions inventory database with emissions equal to or greater than a threshold of 25 tpy or more of NO_X or VOC definition that were not identified in the Title V database and could not be verified as minor sources by other means are also included in the RACT analysis.

II. Evaluation

Reliance on Prior RACT Determination for HGB Area

In TCEQ's May 13, 2020 submittal, Table F–1 titled ''*State Rules Addressing VOC RACT Requirements in CTG Reference Documents*'' lists VOC CTG source categories, their reference documents, and corresponding state rules addressing VOC RACT requirements. Table F–2 titled ''*State Rules Addressing VOC RACT Requirements in ACT Reference Documents,*'' in TCEQ's May 13, 2020 SIP, lists state rules addressing VOC RACT for ACT source categories. The implementation rule of March 6, 2015 (80 FR 12264), explains that States should refer to existing CTG and ACT documents as well as all relevant technical information including recent technical information received during the public comment period to determine if RACT is being applied. States may conclude, in some cases, that sources already addressed by RACT determinations to meet the 1-hour and/or the 1997 8-hour ozone NAAQS do not need to implement additional controls to meet the 2008 ozone NAAQS RACT requirement (80 FR 12279, March 6, 2015). The EPA has approved the 30 TAC Chapter 115 VOC rules as RACT for the HGB area under the 1-hour and 1997 8-hour ozone NAAQS (71 FR, 52670, September 6, 2006; 78 FR 19599, April 2, 2013; 79 FR 21144, April 15, 2014; 79 FR 45105, August 4, 2014; and 80 FR 16291, March 27, 2015) and later the 2008 Moderate NAAQS area designation (84 FR 18145, April 30, 2019). The EPA determined that VOC RACT is in place for all CTG and non-CTG major sources in the HGB area for the 1-hour, 1997 8-hour ozone NAAQS and 2008 moderate area NAAQS (71 FR 52676, September 6, 2006; 79 FR 21144, April 15, 2014; and 84 FR 18145, April 30, 2019), respectively. Texas's May 13, 2020 submittal relies on those EPA-approved Chapter 115 rules for the 1-hour, 1997 8-hour and 2008 8-hour ozone NAAQS to fulfill RACT requirement for CTG and non-CTG VOC major sources for the 2008 8-hour serious ozone NAAQS.[6]

We are proposing to find that the rules we approved as meeting RACT for the 1-hour and 1997 8-hour ozone NAAQS also meet RACT for the 2008 8-hour ozone NAAQS. We have determined this is appropriate because the fundamental control techniques described in the CTG and ACT documents and implemented in the Texas Rules are still applicable. This is supported by the implementing rule for the 2008 ozone NAAQS.[7] The Chapter 115 rules provide appropriate VOC emissions reductions that are equivalent to control options cited in the CTG and ACT documents and any non-CTG major sources are appropriately controlled.

The state did not include any revisions to implement the new CTG for the Oil and Natural Gas Industry (EPA–453/B–16–001, October 2016) in the HGB area.[8] As explained in EPA's implementing memo [9] for this CTG, Texas was required to adopt and submit revisions to the SIP by no later than two years after the availability of the said CTG. In this case, the date of the notice of availability was October 27, 2016 (See 81 FR 74798). EPA issued a notice of failure to submit on November 16, 2020 (85 FR 72963) [10] establishing a 24-month deadline for EPA to either approve SIPs or finalize Federal Implementation Plans (FIPs) that address the Oil and Natural Gas Industry CTG in the HGB area. See section 110(c) of the Act. The EPA is committed to working with Texas to expedite the development and submission of the required SIP revisions addressing the Oil and Natural Gas Industry CTG for the affected areas, and to review and act on their submissions in accordance with the requirements of the CAA.

VOC RACT Analysis for Additional Controls or Newly Identified Sources

The vast majority of major sources of VOC are in categories covered by CTGs but as explained previously, states must ensure that all major sources have implemented RACT even those not covered by CTG's. During the last RACT review for the 2008 ozone NAAQS conducted in response to the area's moderate area classification and based on the moderate area 100 tpy major source threshold, the TCEQ identified a Vegetable Oil Manufacturing Operations source emitting VOCs in a quantity greater than the major source definition and not covered by CTG category or previously approved RACT rule. TCEQ's analysis showed that the source met a level of control consistent with RACT, *i.e.,* the lowest achievable emission rate considering technical and economic feasibility. TCEQ did not identify any other major sources of VOC not covered by a rule previously approved as implementing RACT or achieving a level of control consistent with RACT considering technical and economic feasibility. Please see the Technical Support Document (TSD) prepared in conjunction with this action for additional information.

VOC RACT Negative Declarations

States are not required to adopt RACT limits for CTG source categories for which no sources exist in a nonattainment area and can submit a negative declaration to that effect. The negative declaration would need to assert that there are no CTG sources in the area, and the accompanying analysis would need to support that conclusion. Texas has reviewed its emission inventory and determined that its previous negative declarations for fiberglass boat manufacturing materials, surface coating for flat wood paneling, letterpress printing, automobile and light-duty truck assembly coating, and rubber tire manufacturing categories submitted as part of its HGB Area VOC RACT SIP for the 1997 8-hour ozone NAAQS are still applicable (79 FR 21144, April 15, 2014). We also are unaware of any sources in these CTG source categories in the area and therefore we propose to approve these negative declarations.

See Table F–2 titled ''*State Rules Addressing VOC RACT Requirements in ACT Reference Documents*'' for a listing of source types for which a VOC Alternate Control Technology document has been issued, the state's determination of how the technologies in the ACT have been addressed and whether or not such a source is

[6] See EPA–R06–OAR–2005–TX–0018, EPA–R06–OAR–2012–0100 and EPA–R06–OAR–2017–0055, available through the *Regulations.gov* website at: *https://www.regulations.gov/.*

[7] See March 6, 2015 (80 FR 12279), final action and rationale and 80 FR 12280, first column, comments and responses.

[8] At the time of the submittal to EPA Region 6, TCEQ noted the existence of the O&G CTG, stating EPA had proposed to withdraw it on March 9, 2018 (83 FR 10478).

[9] See ''Implementing Reasonably Available Control Technology Requirements for Sources Covered by the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry'' Memorandum from Anna Marie Wood, October 20, 2016. *https://www.epa.gov/sites/production/files/2016-10/documents/implementing_reasonably_available_control_technology_requirements_for_sources_covered_by_the_2016_control_techniques_guidelines_for_the_oil_and_natural_gas_industry.pdf.*

[10] See Docket ID No. EPA–HQ–OAR–2020–0485 available at *www.regulations.gov.*

currently located in the HGB NA area. We also are not aware of any major sources in the ACT source categories which TCEQ indicates that no sources are located in the HGB area.

HGB Area NO_X RACT TCEQ Analysis

Under CAA section 182(f) RACT is required for major sources of NO_X. The EPA has issued ACT documents [11] that describe available control technologies for NO_X emissions, but do not define presumptive RACT levels. In TCEQ's May 13, 2020 submittal, Table F–3: *State Rules Addressing NO_X RACT Requirements in ACT Reference Documents* provides the emission source categories, the ACT reference documents, and the state Chapter 117 rules addressing the RACT requirements for sources in the NO_X ACT documents. TCEQ also identified a glass manufacturing furnace with major NO_X emissions for which the state has not written a Chapter 117 rule controlling NO_X emissions.

In 2013, EPA determined that NO_X control measures in 30 TAC Chapter 117 met 1997 8-hour RACT requirements for major sources of NO_X in the HGB area under the 1-hour and 1997 8-hour ozone NAAQS (78 FR 19599, April 2, 2013). Our approval, under these previous standards, found that RACT was being implemented at all major sources under the severe area major source threshold of 25 tpy of NO_X. We reaffirmed that determination at 84 FR 18145, April 30, 2019 in response to the area's moderate classification under the 2008 standard. Texas's submittal relies on those EPA-approved Chapter 117 rules to fulfill RACT requirements for all but one NO_X source category that exist in the HGB area. As noted, there was a major source glass manufacturer identified as part of the analysis approved in April 2019. At that time, we approved the controls in place at the facility as RACT with controls consistent with the ACT for this source type. (See section 3.2.2 of Appendix F of the TCEQ May 13, 2020 submittal for details.)

In our implementation rule for the 2008 ozone NAAQS, we made clear we believed that, in some cases, new RACT determinations would ''result in the same or similar control technology as the RACT determinations made for the 1-hour or 1997 standards.'' This is because the fundamental control techniques, as described in the CTG and ACT documents, are still applicable. Following this line of reasoning, Texas determined the existing Chapter 117 NO_X reduction regulations provide appropriate NO_X emissions reductions that meet RACT emission reduction requirements and adequately incorporate ACT document controls where appropriate. We are proposing to find that the existing Chapter 117 rules meet the RACT requirement in the HGB area for the 2008 8-hour ozone NAAQS.

As stated above, Texas noted their review of NO_X sources in the HGB area identified only one major source that was not covered by a rule previously approved as RACT which was a facility falling under the Glass Manufacturing ACT category.[12] The source has existing controls consistent with RACT. Texas did not locate any major sources subject to the NO_X Emission from Cement Manufacturing ACT. For all the other NO_X ACT sources, the state has established Chapter 117 regulations we have previously approved as RACT for the 1997 8-hour ozone NAAQS, reaffirmed as RACT in a review conducted for the 2008 ozone moderate NA designation, and, as discussed above, we are proposing to find them as meeting RACT for the 2008 ozone serious NA designation.

CAA 110(l) Analysis

CAA section 110(l) requires that a SIP revision submitted to EPA be adopted after reasonable notice and public hearing. Section 110(l) also requires that we not approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA.

As a part of its submittal the TCEQ provided copies of the Public Notice of proposed serious attainment demonstration plans in the Texas Register and local newspapers. The TCEQ also held a public hearing on the revisions to the SIP on October 14, 2019 in Houston, Texas.

There are no rule changes in control requirements in this RACT submittal. The evaluation of the submittal reveals that previously EPA-approved RACT levels of control for the HGB area continue to be in effect, and there is no relaxation of those control measures for the affected sources in the proposed RACT in the HGB area. Therefore, we do not expect the existing NO_X and VOC RACT controls measures to interfere with attainment and reasonable further progress of ozone pollution control requirements, or any other applicable requirement of the Act. Furthermore, records demonstrate that Texas adopted an attainment demonstration plan that includes this RACT analyses after reasonable notice, a public hearing, and an opportunity for public comment. Thus, the CAA Section 110(l) requirements are met. We propose that RACT is in place for affected sources of NO_X and VOC emissions and that the existing controls requirements continue to represent RACT for the HGB area with the exception of those sources subject to the Oil and Gas CTG.

III. Proposed Action

We are proposing to approve the May 13, 2020 revisions to the Texas SIP concerning the HGB 2008 8-hour ozone NAAQS nonattainment area as meeting the VOC and NO_X RACT requirements for an area designated as serious with the exception of the requirement to implement RACT for sources covered by the Oil and Gas CTG. The proposed approval is, in part, based on previous VOC and NO_X RACT determinations made for this area under the 1-hour and the 1997 8-hour ozone NAAQS. We are also proposing to approve negative declarations made for fiberglass boat manufacturing materials, manufacturing of pneumatic rubber tires, flat wood paneling coatings, letterpress printing; and automobile and light-duty truck assembly coatings sectors in the HGB area under the 2008 8-hour ozone NAAQS designated as serious.

IV. Statutory and Executive Order Reviews

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

[11] See *https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques.*

[12] See EPA Docket ID NOs EPA–R06–OAR–2012–0100 and EPA–R06–OAR–2017–0055, available at: *https://www.regulations.gov/.*

• 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 5, 2021.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2021–02762 Filed 3–9–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 160 and 164

RIN 0945–AA00

Modifications to the HIPAA Privacy Rule to Support, and Remove Barriers to, Coordinated Care and Individual Engagement

AGENCY: Office for Civil Rights (OCR), Office of the Secretary, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Department of Health and Human Services (the Department) is extending the comment period for the proposed rule entitled ''Proposed Rulemaking (NPRM) to modify the Standards for the Privacy of Individually Identifiable Health Information (Privacy Rule) under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act),'' published in the **Federal Register** on January 21, 2021. The comment period for the proposed rule, which would end March 22, 2021, is extended to May 6, 2021.

DATES: The comment period for this proposed rule published January 21, 2021, at 86 FR 6446, is extended to 5 p.m., eastern daylight time, on May 6, 2021.

ADDRESSES: You may submit comments as outlined in the proposed rule at 86 FR 6446 and repeated below. Please choose only one method listed.

You may submit comments to this proposed rule, identified by RIN 0945–AA00 by any of the following methods:

• *Federal eRulemaking Portal.* You may submit electronic comments at *http://www.regulations.gov* by searching for the Docket ID number HHS–OCR–0945–AA00. Follow the instructions *http://www.regulations.gov* online for submitting comments through this method.

• *Regular, Express, or Overnight Mail:* You may mail comments to U.S. Department of Health and Human Services, Office for Civil Rights, Attention: Proposed Modifications to the HIPAA Privacy Rule to Support, and Remove Barriers to, Coordinated Care and Individual Engagement NPRM, RIN 0945–AA00, Hubert H. Humphrey Building, Room 509F, 200 Independence Avenue SW, Washington, DC 20201.

All comments received by the methods and due date specified above will be posted without change to content to *http://www.regulations.gov,* including any personal information provided about the commenter, and such posting may occur before or after the closing of the comment period.

The Department will consider all comments received by the date and time specified in the **DATES** section above, but, because of the large number of public comments normally received on **Federal Register** documents, the Department is not able to provide individual acknowledgments of receipt.

Please allow sufficient time for mailed comments to be timely received in the event of delivery or security delays. Electronic comments with attachments should be in Microsoft Word or Portable Document Format (PDF).

Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.

Docket: For complete access to background documents or posted comments, go to *http://www.regulations.gov* and search for Docket ID number HHS–OCR–0945–AA00.

FOR FURTHER INFORMATION CONTACT: Marissa Gordon-Nguyen at (800) 368–1019 or (800) 537–7697 (TDD).

SUPPLEMENTARY INFORMATION: The Department proposed a ''Rulemaking (NPRM) to modify the Standards for the Privacy of Individually Identifiable Health Information (Privacy Rule) under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act),'' to solicit public comments on proposed modifications to the HIPAA Privacy Rule to support individuals' engagement in their health care, remove barriers to coordinated care, and decrease regulatory burdens on the health care industry while continuing to protect individuals' health information privacy interests. The Office of the Federal Register (OFR) posted the HIPAA NPRM on the **Federal Register** website for public inspection on January 19, 2021. OFR published the HIPAA NPRM in the **Federal Register** for public comment on January 21, 2021.

On January 20, 2021, the White House published a memorandum ''Regulatory Freeze Pending Review'' at *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/* (the Regulatory Freeze Memorandum). The Regulatory Freeze Memorandum directs the heads of Executive Departments and Agencies to refrain from issuing new

proposed or final rules, to withdraw rules pending publication with OFR, and to consider postponing for 60 days from the date of the memorandum, the effective date of rules already published in the **Federal Register**. The purpose of the memorandum is to implement the President's plan to manage the Federal regulatory process at the outset of the Administration by providing the opportunity for the President's new designees or appointees to review all new and pending rules.

Because OFR published the HIPAA NPRM prior to the effective withdrawal of rules provided for in the memorandum, the HIPAA NPRM remains publicly available in the **Federal Register** and open for public comment. However, due to the proximity in time between the publication of the HIPAA NPRM and the Regulatory Freeze Memorandum, the public may need clarification that the HIPAA NPRM is available for public comment and additional time to review the proposals and submit comments.

Therefore, to maximize the opportunity for the public to provide meaningful input to inform policy development, the Department is extending the comment period to May 6, 2021.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–05021 Filed 3–9–21; 8:45 am]

BILLING CODE 4153–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–9; RM–11872; DA 21–40; FRS 17397]

Television Broadcasting Services Tulsa, Oklahoma

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by KTUL Licensee, LLC, (Licensee), licensee of KTUL, channel 10, Tulsa, Oklahoma, requesting the substitution of channel 14 for channel 10 at Tulsa in the DTV Table of Allotments. The Licensee states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, and also that reception of VHF signals require larger antennas that are generally not well suited to the mobile applications expected under flexible use, relative to UHF channels. KTUL has received numerous complaints from viewers unable to receive the Station's over-the-air signal, despite being able to receive signals from other stations. Licensee further states that with respect to operations on channel 14 and nearby land mobile services, it has determined that it can install the appropriate mask filter and antenna needed to avoid interference to land mobile operations. In addition, operation on channel 14 will not result in any predicted loss of service and would result in a substantial increase in signal receivability for KTUL viewers.

DATES: Comments must be filed on or before April 9, 2021 and reply comments on or before April 26, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Paul A. Cicelski, Esq., Lerman Senter PLLC, 2001 L Street NW, Suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 21–9; RM–11872; DA 21–40, adopted January 12, 2021, and released January 12, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (Braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—Radio Broadcast Service

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

§ 73.622 [Amended]

■ 2. Amend § 73.622(i), the Post-Transition Table of DTV Allotments under Oklahoma, by removing channel 10 and adding channel 14 at Tulsa.

[FR Doc. 2021–01491 Filed 3–9–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2020–0109]

RIN 2127–AM04

Federal Motor Vehicle Safety Standards; Test Procedures; Reopening of Comment Period

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Reopening of comment period.

SUMMARY: In response to a request from the Alliance for Automotive Innovation (Auto Innovators), NHTSA is announcing a reopening of the comment period on an advance notice of proposed rulemaking (ANPRM) published December 10, 2020. The ANPRM requests public comment on whether any test procedure for any Federal Motor Vehicle Safety Standard (FMVSS) may be a candidate for replacement, repeal, or modification, for reasons other than for considerations

relevant only to automated driving systems (ADS). The comment period for the ANPRM was originally scheduled to end on February 8, 2021. It will now be reopened and will end on April 9, 2021.

DATES: The comment period for the ANPRM published on December 10, 2020 at 85 FR 79456 is reopened and extended to April 9, 2021.

ADDRESSES: Comments must be submitted by one of the following methods:

- *Federal eRulemaking Portal:* go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.
- *Fax:* (202) 493–2251.

Regardless of how you submit your comments, you must include the docket number identified in the heading of this document.

Note that all comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov.* Please see the ''Privacy Act'' heading below.

You may call the Docket Management Facility at (202) 366–9322. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. We will continue to file relevant information in the docket as it becomes available. To be sure someone is there to help you, please call (202) 366–9322 before coming. We will continue to file relevant information in the Docket as it becomes available.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Ms. Mary Versailles, Office of Rulemaking, 1200 New Jersey Avenue SE, Washington, DC 20590; *mary.versailles@dot.gov.* For legal issues, you may contact Ms. Callie Roach, Attorney-Advisor, Vehicle Rulemaking and Harmonization, Office of Chief Counsel, (202) 597–1312, 1200 New Jersey Avenue SE, Washington, DC 20590; *callie.roach@dot.gov.*

SUPPLEMENTARY INFORMATION: On December 10, 2020, NHTSA published an ANPRM to obtain public comments on whether any test procedure for any FMVSS may be a candidate for replacement, repeal, or modification, for reasons other than for considerations relevant only to automated driving systems (ADS) (85 FR 79456). The ANPRM provided examples of test procedures found in FMVSS Nos. 103, 104, 105/135, 121, and 126 to facilitate responses and asked commenters to consider whether the agency should make changes to these test procedures or to any other test procedure. The ANPRM also asked commenters to provide research, evidence, and data to support why such change may be necessary. The ANPRM stated that the closing date for comments was February 8, 2021.

NHTSA received on January 14, 2021 a petition from Auto Innovators for a 30-day extension of the comment period. The request states that additional time is necessary to permit Auto Innovators to conduct a comprehensive review of the extensive number of regulations and FMVSS that contain detailed test procedures, including standards that reference industry standards. Auto Innovators also notes that its efforts to organize group meeting have been hampered by working inefficiencies induced by COVID meeting restrictions. The request can be found in the docket for the ANPRM identified in the heading of this document.

In accordance with NHTSA's rulemaking procedures in 49 CFR part 553, subpart B, the agency is granting this request to reopen and extend the comment period. We have determined that the requestors have shown good cause for an extension, and that the extension is consistent with the public interest (49 CFR 553.19). A 30-day reopening and extension appropriately balances NHTSA's interest in providing the public with sufficient time to comment on the notice with its interest in proceeding with this rulemaking in a timely manner. Accordingly, NHTSA is reopening and extending the comment period to the date shown in the **DATES** section of this document.

Issued in Washington, DC pursuant to authority delegated in 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2021–04933 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 86, No. 45
Wednesday, March 10, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agency Information Collection Activities: Revision and Extension of Approved Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Food Safety and Inspection Service, Department of Agriculture.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Department of Agriculture (USDA), the Food Safety and Inspection Service (FSIS) has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA).

DATES: Comments must be submitted by April 9, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Ruth Brown (202) 720–8958.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** on December 21, 2020 (85 FR 83035).

The Food Safety and Inspection Service—0583–0151

Current Actions: Revision and Extension of Currently Approved Collection.

Type of Review: Revision and Extension.

Affected Public: Not-for-profit institutions.

Average Expected Annual Number of Activities: 5.

Respondents: 4,000.

Annual Responses: 4,000.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Burden Hours: 2,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–04954 Filed 3–9–21; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the South Carolina Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the South Carolina Advisory Committee (Committee) will hold a meeting via-teleconference on Thursday, April 1, 2021, at 12:00 p.m. (EST) the purpose of the meeting is to review the SAC's Findings and Recommendations on subminimum wages for people with disabilities.

DATES: The meetings will be held on:

- Thursday, April 1, at 12:00 p.m. Eastern Time, *https://tinyurl.com/u26jj3ea*

or Join by phone: 800–360–9505 USA Toll Free, 199 631 2231

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez at *bdelaviez@usccr.gov* or (202) 539–8246.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference operator will ask callers to identify themselves, the organizations they are affiliated with (if any), and an email address prior to placing callers into the conference call. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Carolyn Allen at *callen@usccr.gov* in the Regional Program Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Program Unit Office at (202) 539–8246.

Records generated from this meeting may be inspected and reproduced at the Regional Program Unit, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzmPAAQ* under the Commission on Civil Rights, South Carolina Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Program Unit at the above email or phone number.

Agenda

1. Roll Call
2. Revision of Findings and Recommendations of Subminimum Wages report
3. Open Session
4. Adjourn

Dated: March 5, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–05006 Filed 3–9–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0040]

RIN 0691–XC116

BE–45: Quarterly Survey of Insurance Transactions by U.S. Insurance Companies With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons (BE–45). The data collected on the BE–45 survey are needed to measure U.S. trade in insurance services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov*.

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–45 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 60 days after the end of each calendar quarter, except for the final quarter of the calendar year when reports must be filed within 90 days. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–45 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from U.S. persons whose reportable transactions exceeded $8 million (positive or negative) during the prior calendar year, or are expected to exceed that amount during the current calendar year. See BE–45 survey form for more details.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on cross-border insurance transactions between U.S. insurance companies and foreign persons.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–45 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-45help@bea.gov.*

When To Report: Reports are due to BEA 60 days after the end of each calendar quarter, except for the final quarter of the calendar year when reports must be filed within 90 days.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0066. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 9 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–

0066, via email at *OIRA_Submission@omb.eop.gov*.

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04929 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0047]

RIN 0691–XC114

BE–30: Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers (BE–30). The data collected on the BE–30 survey are needed to measure U.S. trade in transport services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–30 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each calendar quarter. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–30 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from U.S. ocean carriers that had total reportable revenues or total reportable expenses that were $500,000 or more during the prior year, or are expected to be $500,000 or more during the current year.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on U.S. ocean freight carriers' foreign revenues and expenses.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–30 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-30help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 4 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0011, via email at *OIRA_Submission@omb.eop.gov*

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04927 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0038]

RIN 0691–XC110

BE–9: Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States (BE–9). The data collected on the BE–9 survey are needed to measure U.S. trade in transport services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–9 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each calendar quarter. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services

Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–9 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from U.S. offices, agents, or other representatives of foreign airline operators that had total reportable revenues or total reportable expenses that were $5 million or more during the prior year, or are expected to be $5 million or more during the current year.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on foreign airline operators' revenues and expenses in the United States.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–9 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-9help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0068. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 6 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0068, via email at *OIRA_Submission@omb.eop.gov.*

(Authority: 22 U.S.C. 3101–3108)

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04924 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0039]

RIN 0691–XC115

BE–37: Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses (BE–37). The data collected on the BE–37 survey are needed to measure U.S. trade in transport services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–37 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each calendar quarter. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–37 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from U.S. airline operators that had total reportable revenues or total reportable expenses that were $500,000 or more during the prior year, or are expected to be $500,000 or more during the current year.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on U.S. airline operators' foreign revenues and expenses.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–37 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-37help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 4 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current

survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0011, via email at *OIRA_Submission@omb.eop.gov*.

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04928 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0045]

RIN 0691–XC119

BE–577: Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter With Foreign Affiliate

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter with Foreign Affiliate (BE–577). The data collected on the BE–577 survey are needed to measure the size and economic significance of U.S. direct investment abroad and its impact on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Jessica Hanson, Chief, Direct Transactions and Positions Branch (BE–49), via phone at (301) 278–9595 or via email at *Jessica.Hanson@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–577 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 30 days after the end of each calendar or fiscal quarter, or within 45 days if the report is for the final quarter of the financial reporting year. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–577 survey forms and instructions are available at *www.bea.gov/dia.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person that has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise, and that meets the additional conditions detailed in Form BE–577.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on transactions between parent companies and their affiliates and on direct investment positions (stocks).

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey form and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/dia* and submitted through mail or fax. Form BE–577 inquiries can be made by phone to BEA at (301) 278–9261 or by sending an email to *be577@bea.gov.*

When To Report: Reports are due to BEA 30 days after the close of each calendar or fiscal quarter, or 45 days if the report is for the final quarter of the financial reporting year.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0004. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 1 hour per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Jessica Hanson, Chief, Direct Transactions and Positions Branch (BE–49), via email at *Jessica.Hanson@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0004, via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04932 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0046]

RIN 0691–XC113

BE–29: Annual Survey of Foreign Ocean Carriers' Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Annual Survey of Foreign Ocean Carriers' Expenses in the United States (BE–29). The data collected on the BE–29 survey are needed to measure U.S. trade in transport services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting

requirements for the BE–29 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 90 days after the end of each calendar year. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–29 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from U.S. agents of foreign carriers who handle 40 or more foreign ocean carrier port calls in the reporting period, or had reportable expenses of $250,000 or more in the reporting period for all foreign ocean vessels handled by the U.S. Agent. See BE–29 survey form for more details.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on foreign ocean carriers' expenses in the United States.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–29 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-29help@bea.gov.*

When To Report: Reports are due to BEA 90 days after the end of each calendar year.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0012. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 3 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, via email at *OIRA_Submission@omb.eop.gov*.

(Authority: 22 U.S.C. 3101–3108)

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04926 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0043]

RIN 0691–XC112

BE–15: Annual Survey of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Annual Survey of Foreign Direct Investment in the United States (BE–15). The data collected on the BE–15 survey are needed to measure the size and economic significance of foreign direct investment in the United States and its impact on the U.S. economy. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Ricardo Limés, Chief, Multinational Operations Branch (BE–49), via phone at (301) 278–9659 or via email at *Ricardo.Limes@bea.gov*.

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–15 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. A completed report covering the entity's fiscal year ending during the previous calendar year is due by May 31 (or by June 30 for reporting companies that use BEA's eFile system). This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–15 survey forms and instructions are available at *www.bea.gov/fdi.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. business enterprise in which a foreign person has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated U.S. business enterprise, or an equivalent interest in an unincorporated U.S business enterprise, and that meets the additional conditions detailed in Form BE–15.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on the operations of U.S. affiliates of foreign companies.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/fdi* and submitted through mail or fax. Form BE–15 inquiries can be made by phone to BEA at (301) 278–9247 or by sending an email to *be12/15@bea.gov.*

When To Report: A completed report covering an entity's fiscal year ending during the previous calendar year is due by May 31 (or by June 30 for reporting companies that use BEA's eFile system).

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0034. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 19.7 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Ricardo Limés, Chief, Multinational Operations Branch (BE–49), via email at *Ricardo.Limes@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0034, via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04925 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0041]

RIN 0691–XC111

BE–11: Annual Survey of U.S. Direct Investment Abroad

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Annual Survey of U.S. Direct Investment Abroad (BE–11). The data collected on the BE–11 survey are needed to measure the size and economic significance of U.S. direct investment abroad and its impact on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Ricardo Limés, Chief, Multinational Operations Branch (BE–49), via phone at (301) 278–9659 or via email at *Ricardo.Limes@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–11 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. A completed report covering the entity's fiscal year ending during the previous calendar year is due by May 31. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–11 survey forms and instructions are available at *www.bea.gov/dia.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person that has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise, and that meets the additional conditions detailed in Form BE–11.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on the operations of U.S. parent companies and their foreign affiliates.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/dia* and submitted through mail or fax. Form BE–11 inquiries can be made by phone to BEA at (301) 278–9418 or by sending an email to *be10/11@bea.gov.*

When To Report: A completed report covering an entity's fiscal year ending during the previous calendar year is due by May 31.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0053. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. A complete response includes one BE–11A form (with an estimated average reporting burden of 7 hours) for reporting domestic operations and one or more BE–11B (12 hours), BE–11C (2 hours), or BE–10D (1 hour) forms for reporting foreign operations. Public reporting burden for this collection of information is estimated to average a total of 103.4 hours per complete response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Ricardo Limés, Chief, Multinational Operations Branch (BE–49), via email at *Ricardo.Limes@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0053, via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04922 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0042]

RIN 0691–XC117

BE–125: Quarterly Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons (BE–125). The data collected on the BE–125 survey are needed to measure U.S. trade in services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–125 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each fiscal quarter, except for the final quarter of the entity's fiscal year when reports must be filed within 90 days. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–125 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person who had combined reportable sales of services or intellectual property to foreign persons that exceeded $6 million during the prior fiscal year, or are expected to exceed that amount during the current fiscal year; or had combined reportable purchases of services or intellectual property from foreign persons that exceeded $4 million during the prior fiscal year, or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both. See BE–125 survey form for more details.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on U.S. international trade in selected services and intellectual property.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–125 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-125help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each fiscal quarter, except for the final quarter of the entity's fiscal year when reports must be filed within 90 days.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0067. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 21 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0067, via email at OIRA_*Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04930 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 210304–0044]

RIN 0691–XC118

BE–185: Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons (BE–185). The data collected on the BE–185 survey are needed to measure U.S. trade in financial services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via phone at (301) 278–9189 or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–185 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each fiscal quarter, except for the final quarter of the entity's fiscal year when reports must be filed within 90 days. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be

found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801, and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 15 U.S.C. 4908(b)). Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–185 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person who had combined reportable sales of financial services to foreign persons that exceeded $20 million during the prior fiscal year, or are expected to exceed that amount during the current fiscal year; or had combined reportable purchases of financial services from foreign persons that exceeded $15 million during the prior fiscal year, or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on transactions in financial services between U.S. financial services providers and foreign persons.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–185 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-185help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each fiscal quarter, except for the final quarter of the entity's fiscal year when reports must be filed within 90 days.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0065. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 10 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Christopher Stein, Chief, Services Surveys Branch, Balance of Payments Division, via email at *Christopher.Stein@bea.gov;* and to the Office of Management and Budget, Paperwork Reduction Project 0608–0065, via email at OIRA_*Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108 and 15 U.S.C. 4908(b).

Paul W. Farello,

Associate Director for International Economics, Bureau of Economic Analysis.

[FR Doc. 2021–04931 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–38–2021]

Foreign-Trade Zone 44—Mt. Olive, New Jersey; Application for Subzone; Piramal Critical Care, Inc.; Linden, New Jersey

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the State of New Jersey, Department of State, grantee of FTZ 44, requesting subzone status for the facility of Piramal Critical Care, Inc., located in Linden, New Jersey. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 5, 2021.

The proposed subzone (.015 acres) is located at 4200 Tremley Point Road, Linden, New Jersey. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 44.

In accordance with the FTZ Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 19, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 4, 2021.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov.*

Dated: March 5, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–04992 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–119]

Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, From the People's Republic of China: Notice of Correction to the Amended Final Antidumping Duty Determination and Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is issuing a correction to a previously published **Federal Register** notice pertaining to the amended final antidumping duty determination and antidumping duty order on certain large vertical shaft engines between 225cc and 999cc, and parts thereof (large vertical shaft engines) from the People's Republic of China (China).

DATES: Applicable March 4, 2021.

FOR FURTHER INFORMATION CONTACT: Leo Ayala AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3945.

SUPPLEMENTARY INFORMATION: On March 4, 2021, Commerce published in the **Federal Register** the notice of the amended final antidumping determination and antidumping duty

order on large vertical shaft engines from China.[1] In the *Amended Final and Order,* Commerce misidentified January 4, 2021, as the date of expiration of the provisional measures period. The correct date of expiration of the provisional measures period is February 15, 2021.

We are hereby correcting the *Amended Final and Order* to reflect the correct date of expiration of the provisional measures period of February 15, 2021. Commerce intends to instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of large vertical shaft engines from China entered, or withdrawn from warehouse, for consumption after February 15, 2021, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the International Trade Commission's final affirmative injury determination in the **Federal Register**.

This notice serves as a correction and is published in accordance with section 777(i) of the Tariff Act of 1930, as amended.

Dated: March 4, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–04994 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA899]

Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Coastal Virginia

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

ACTION: Notice; proposed modification of an incidental harassment authorization; request for comments.

SUMMARY: NMFS received a request from Dominion Energy Virginia (Dominion) on February 5, 2021, for a modification to the incidental harassment authorization (IHA) that was initially issued on August 28, 2020 and subsequently modified and issued on December 11, 2020. The initial IHA as now modified allowed Dominion to take nine species of marine mammals, by Level B harassment, incidental to marine site characterization surveys conducted in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established. Dominion has recently been recording take of common dolphin (*Delphinus Delphis*) by Level B harassment at a rate that would exceed their authorized take limit. Therefore, NMFS is proposing to modify the IHA to increase authorized take by Level B harassment of common dolphin. The mitigation, monitoring, and reporting measures remain the same as prescribed in the initial IHA and no additional take was requested for other species. NMFS will consider public comments on the requested modification prior to making any final decision and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than March 25, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.pauline@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

History of Request

On February 7, 2020, NMFS received a request from Dominion for an IHA to take marine mammals incidental to marine site characterization surveys in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the OCS Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the offshore wind project. Dominion's planned marine site characterization includes high-resolution geophysical (HRG) survey

[1] *See Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty* Order, 86 FR 12623 (March 4, 2021) (*Amended Final and Order*).

activities. The application was deemed adequate and complete on May 12, 2020. We published a notice of proposed IHA and request for comments in the **Federal Register** on June 17, 2020 (85 FR 36562). We subsequently published the final notice of our issuance of the IHA in the **Federal Register** on September 8, 2020 (85 FR 55415), with effective dates from August 28, 2020, to August 27, 2021. NMFS authorized the take by Level B harassment of 9 species (10 stocks) of marine mammals including bottlenose dolphin (*Tursiops truncatus*), pilot whale (*Globicephala spp.*), common dolphin (*Delphinus delphis*), Atlantic white sided dolphin (*Lagenorhynchus acutus*), Atlantic spotted dolphin (*Stenella frontalis*), Risso's dolphin (*Grampus griseus*), harbor porpoise (*Phocoena phocoena*), harbor seal (*Phoca vitulina*), and gray seal (*Halichoerus grypus*).

On September 29, 2020, NMFS received a request from Dominion for a modification to the IHA that was issued on August 28, 2020 (85 FR 55415; September 8, 2020). Since the issuance of the initial IHA, Dominion had been recording large pods of Atlantic spotted dolphin within the Level B harassment zone such that they were approaching the authorized take limit for this species. Therefore, NMFS published a notice of proposed IHA modification that included a 15-day public comment period (85 FR 71881; November 12, 2020). NMFS subsequently issued a modified IHA to Dominion that increased authorized take of spotted dolphin by Level B harassment (85 FR 81879; December 12, 2020). The mitigation, monitoring, and reporting measures remain the same as prescribed in the initial IHA. The expiration date of the IHA remained the same (August 27, 2021) as in the initial IHA.

On February 5, 2021, NMFS received a subsequent request from Dominion for a modification to the IHA that had previously been modified and issued (85 FR 81879; December 12, 2020). Dominion informed NMFS that they were recording take of common dolphin (*Delphinus Delphis*) by Level B harassment at a rate that would exceed the authorized limit for this species. Therefore, NMFS is proposing to again modify the IHA to increase authorized take by Level B harassment of common dolphin. The mitigation, monitoring, and reporting measures remain the same as prescribed in the initial IHA and recently issued modified IHA. No additional take was requested for other species.

Description of the Proposed Activity and Anticipated Impacts

The modified IHA as proposed would include the same HRG surveys in the same locations that were described in the initial IHA and recently modified IHA. The mitigation, monitoring, and reporting measures remain the same. NMFS refers the reader to the documents related to the initial IHA issued on August 28, 2020, for more detailed description of the project activities. These previous documents include the notice of proposed IHA and request for comments (85 FR 36562; June 17, 2020) and notice of our issuance of the IHA in the **Federal Register** (85 FR 55415; September 8, 2020). Additional information may be found in the notice of issuance of the recently modified IHA (85 FR 81879; December 12, 2020).

Detailed Description of the Action

A detailed description of the survey activities is found in these previous documents. The location, timing, and nature of the activities, including the types of HRG equipment planned for use, daily trackline distances and number of survey vessels (4) are identical to those described in the previous notices.

Description of Marine Mammals

A description of the marine mammals in the area of the activities is found in these previous documents, which remains applicable to this proposed modified IHA as well. In addition, NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature. Note that in the 2020 Draft U.S. Atlantic and Gulf of Mexico Draft Marine Mammal Stock Assessment Report (*https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports*) the abundance of the Western North Atlantic stock of common dolphin has increased slightly from 172,825 to 172,974 while the Annual Mortality/Serious Injury value has decreased slightly from 419 to 399. NMFS has determined that this information does not affect our analysis of impacts under the initial IHA and recently modified IHA.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the initial and recently modified IHA. There is no new information on potential effects.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notice of IHA for the initial authorization (85 FR 55415; September 8, 2020). Revised estimated take numbers of spotted dolphin may be found in the previously issued modified IHA (85 FR 81879; December 12, 2020). The HRG equipment that may result in take, as well as the source levels, marine mammal stocks taken, marine mammal density data and the methods of take estimation applicable to this authorization remain unchanged from the initial and recently modified IHA. The proposed number of authorized takes is identical to those found in the recently modified IHA with the exception of spotted dolphin.

NMFS had authorized 68 takes of common dolphin by Level B harassment in the initial IHA (85 FR 55415; September 8, 2020) and recently modified IHA (85 FR 81879; December 12, 2020). Since January 17, 2021, Dominion has recorded a total of 65 common dolphins within the Level B harassment zone. Sighting events have ranged from a single dolphin to a group of up to 42 individuals. It appears that the sudden increase in Level B take for common dolphins is due to the animals' approach to the vessel for both bow riding and swimming alongside. The duration of these events has varied from several minutes to many hours. Their behavior may be due to curiosity and perhaps an enhanced feeding opportunity provided (after dusk) by the lighted vessels. The increase in common dolphins appears to be seasonal, with most (62) of the Level B harassment takes occurring between January 17 and January 27, 2021, as well as three additional takes recorded in February. There was no observed take of common dolphin during the preceding phases of the survey in the summer and fall of 2020. Dominion has directed vessels to shut-down at night, during periods of low visibility, or whenever common dolphins are sighted to avoid further accumulation of take. The need for frequent, lengthy shut-downs has the potential to severely impact the overall project schedule. That would result in the need for additional survey days on the water as well as increased cost and risks associated with extending the project schedule.

Dominion observed common dolphins over eight operational survey days as shown in Table 1. Note that many of these animals were sighted outside of

the Level B harassment zone and, therefore, were not recorded as takes. The 62 takes over eight days averages out to just under eight takes per day. Given this information Dominion has conservatively requested the take of one pod of 10 animals every day for the remaining 60 survey days. NMFS concurs and is proposing 600 additional takes of common dolphin by Level B harassment beyond the 68 takes authorized in the initial IHA and recently modified IHA. The expiration date of the IHA would remain unchanged as August 27, 2021.

TABLE 1—COMMON DOLPHIN DETECTION EVENTS DURING DOMINION ENERGY HRG SURVEY ACTIVITIES

Vessel name	Number of common dolphin detection events	Number of events that resulted in Level B harassment takes	Total number of Level B harassment takes	Min pod size	Max pod size
R/V Minerva	2	0	0	7	15
R/V Minerva	4	2	14	6	12
R/V Minerva	4	0	0	6	12
R/V Minerva	3	1	10	1	10
R/V Minerva	4	2	15	4	10
R/V Minerva	2	2	19	7	42
R/V Minerva	3	1	4	1	6
R/V Minerva	2	0	0	4	15

The total number of incidental takes by Level B harassment, including proposed modified common dolphin takes, are shown in Table 2. The proposed take represents 0.39 percent of the western North Atlantic stock of common dolphin. Take by Level A harassment was not requested, nor does NMFS anticipate it. NMFS did not authorize Level A harassment in the initial or recently modified IHA and is not proposing to do so as part of this proposed modification.

TABLE 2—TOTAL NUMBERS OF AUTHORIZED TAKES BY LEVEL B HARASSMENT AND AS A PERCENTAGE OF POPULATION

Species	Totals	
	Take authorization (No.)	Instances of take as percentage of population [1]
Short-finned pilot whale	12	0.06
Bottlenose dolphin (Offshore)	511	0.81
Bottlenose dolphin (Southern Migratory Coastal)	224	6.5
Common dolphin (proposed adjusted)	668	0.39
Atlantic white-sided dolphin	44	0.12
Spotted dolphin	2,427	4.38
Risso's dolphin	6	0.08
Harbor porpoise	39	0.09
Harbor seal [2]	35	0.02
Gray Seal [2]	.....	0.06

[1] Calculations of percentage of stock taken are based on the best available abundance estimate as shown in Table 2 in **Federal Register** final notice of issuance of the IHA (85 FR 55415; September 8, 2020). In most cases the best available abundance estimate is provided by Roberts *et al.* (2016, 2017, 2018), when available, to maintain consistency with density estimates derived from Roberts *et al.* (2016, 2017, 2018. For bottlenose dolphins, Roberts *et al.* (2016, 2017, 2018) provides only a single abundance estimate and does not provide abundance estimates at the stock or species level (respectively), so abundance estimates used to estimate percentage of stock taken for bottlenose dolphins are derived from NMFS SARs (Hayes *et al.* 2019).

[2] Pinniped density values reported as "seals" and not species-specific.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures described here are identical to those included in the **Federal Register** notices announcing the issuance of the initial IHA (85 FR 55415; September 8, 2020) and the recently modified IHA (85 FR 81879; December 12, 2020) as well as the discussions of the least practicable adverse impact included in those documents remain accurate.

Establishment of Exclusion Zones (EZs)—Marine mammal EZs must be established around the HRG survey equipment and monitored by protected species observers (PSOs) during HRG surveys as follows:

- 500-m EZ is required for North Atlantic right whales;
- During use of the GeoMarine Dual 400 Sparker 800J, a 100-m EZ is required for all other marine mammals except delphinid(s) from the genera *Delphinus, Lagenorhynchus, Stenella* or *Tursiops* and seals;
- When only the Triple Plate Boomer 1000J is in use, a 25-m EZ is required for all other marine mammals except delphinid(s) from the genera *Delphinus, Lagenorhynchus, Stenella* or *Tursiops* and seals; 200-m buffer zone is required for all marine mammals except those species otherwise excluded (*i.e.*, North Atlantic right whale).

If a marine mammal is detected approaching or entering the EZs during the survey, the vessel operator must adhere to the shutdown procedures described below. In addition to the EZs described above, PSOs must visually monitor a 200-m buffer zone for the purposes of pre-clearance. During use of acoustic sources with the potential to result in marine mammal harassment (*i.e.,* anytime the acoustic source is active, including ramp-up), occurrences

of marine mammals within the monitoring zone (but outside the EZs) must be communicated to the vessel operator to prepare for potential shutdown of the acoustic source. The buffer zone is not applicable when the EZ is greater than 100 m. PSOs are also required to observe a 500-m monitoring zone and record the presence of all marine mammals within this zone.

Visual Monitoring—Monitoring must be conducted by qualified protected PSOs who are trained biologists, with minimum qualifications described in the **Federal Register** notice of the issuance of the initial IHA (85 FR 55415; September 8, 2020) and the recently modified IHA (85 FR 81879; December 12, 2020). Dominion must have one PSO on duty during the day and has committed that a minimum of two NMFS-approved PSOs must be on duty and conducting visual observations when HRG equipment is in use at night. Visual monitoring must begin no less than 30 minutes prior to ramp-up of HRG equipment and continue until 30 minutes after use of the acoustic source. PSOs must establish and monitor the applicable EZs, Buffer Zone and Monitoring Zone as described above. PSOs must coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts, and must conduct observations while free from distractions and in a consistent, systematic, and diligent manner. PSOs are required to estimate distances to observed marine mammals. It is the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

Pre-Clearance of the Exclusion Zones—Prior to initiating HRG survey activities, Dominion must implement a 30-minute pre-clearance period. During pre-clearance monitoring (*i.e.,* before ramp-up of HRG equipment begins), the Buffer Zone also acts as an extension of the 100-m EZ in that observations of marine mammals within the 200-m Buffer Zone would also preclude HRG operations from beginning. During this period, PSOs must ensure that no marine mammals are observed within 200 meters (m) of the survey equipment (500 m in the case of North Atlantic right whales). HRG equipment must not start up until this 200-m zone (or, 500-m zone in the case of North Atlantic right whales) is clear of marine mammals for at least 30 minutes. The vessel operator must notify a designated PSO of the proposed start of HRG survey equipment as agreed upon with the lead PSO; the notification time must not be less than 30 minutes prior to the planned initiation of HRG equipment in order to allow the PSOs time to monitor the EZs and Buffer Zone for the 30 minutes of pre-clearance.

If a marine mammal is observed within the relevant EZs or Buffer Zone during the pre-clearance period, initiation of HRG survey equipment must not begin until the animal(s) has been observed exiting the respective EZ or Buffer Zone, or, until an additional time period has elapsed with no further sighting (*i.e.,* minimum 15 minutes for porpoises, and 30 minutes for all other species). The pre-clearance requirement includes small delphinoids. PSOs must also continue to monitor the zone for 30 minutes after survey equipment is shut down or survey activity has concluded.

Ramp-Up of Survey Equipment—When technically feasible, a ramp-up procedure must be used for geophysical survey equipment capable of adjusting energy levels at the start or re-start of survey activities. The ramp-up procedure must be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the Survey Area by allowing them to detect the presence of the survey and vacate the area prior to the commencement of survey equipment operation at full power. Ramp-up of the survey equipment must not begin until the relevant EZs and Buffer Zone has been cleared by the PSOs, as described above. HRG equipment must be initiated at their lowest power output and would be incrementally increased to full power. If any marine mammals are detected within the EZs or Buffer Zone prior to or during ramp-up, the HRG equipment must be shut down (as described below).

Shutdown Procedures—If an HRG source is active and a marine mammal is observed within or entering a relevant EZ (as described above) an immediate shutdown of the HRG survey equipment is required. When shutdown is called for by a PSO, the acoustic source must be immediately deactivated and any dispute resolved only following deactivation. Any PSO on duty has the authority to delay the start of survey operations or to call for shutdown of the acoustic source if a marine mammal is detected within the applicable EZ. The vessel operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the HRG source(s) to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. Subsequent restart of the HRG equipment must only occur after the marine mammal has either been observed exiting the relevant EZ, or, until an additional time period has elapsed with no further sighting of the animal within the relevant EZ.

Upon implementation of shutdown, the HRG source may be reactivated after the marine mammal that triggered the shutdown has been observed exiting the applicable EZ (*i.e.,* the animal is not required to fully exit the Buffer Zone where applicable) or, following a clearance period of 15 minutes for small odontocetes and seals and 30 minutes for all other species with no further observation of the marine mammal(s) within the relevant EZ. If the HRG equipment shuts down for brief periods (*i.e.,* less than 30 minutes) for reasons other than mitigation (*e.g.,* mechanical or electronic failure) the equipment may be re-activated as soon as is practicable at full operational level, without 30 minutes of pre-clearance, only if PSOs have maintained constant visual observation during the shutdown and no visual detections of marine mammals occurred within the applicable EZs and Buffer Zone during that time. For a shutdown of 30 minutes or longer, or if visual observation was not continued diligently during the pause, pre-clearance observation is required, as described above.

The shutdown requirement is waived for certain genera of small delphinids (*i.e., Delphinus, Lagenorhynchus, Stenella,* or *Tursiops*) under certain circumstances. If a delphinid(s) from these genera is visually detected within the EZ shutdown would not be required. If there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgment in making the decision to call for a shutdown.

If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the area encompassing the Level B harassment isopleth (100 m or 25 m), shutdown must occur.

Vessel Strike Avoidance—Dominion must comply with vessel strike avoidance measures as described in the **Federal Register** notices of the issuance of initial IHA (85 FR 55415; September 8, 2020) and recently modified IHA (85 FR 81879; December 12, 2020).

Seasonal Operating Requirements—Dominion will conduct HRG survey activities in the vicinity of the North Atlantic right whale Mid-Atlantic seasonal management area (SMA) near

Norfolk and the mouth of the Chesapeake Bay. Activities conducted prior to May 1 must comply with the seasonal mandatory speed restriction period for this SMA (November 1 through April 30) for any survey work or transit within this area.

Throughout all phases of the survey activities, Dominion must monitor NOAA Fisheries North Atlantic right whale reporting systems for the establishment of a dynamic management area (DMA). If NMFS establishes a DMA in the Lease Area or cable route corridor being surveyed, within 24 hours of the establishment of the DMA, Dominion is required to work with NMFS to shut down and/or alter activities to avoid the DMA.

Training—Project-specific training is required for all vessel crew prior to the start of survey activities.

Reporting—PSOs must record specific information on the sighting forms as described in the **Federal Register** notices of the issuance of the initial IHA (85 FR 55415; September 8, 2020) and the recently modified IHA (85 FR 81879; December 12, 2020). Within 90 days after completion of survey activities, Dominion must provide NMFS with a monitoring report which includes summaries of recorded takes and estimates of the number of marine mammals that may have been harassed.

In the event of a ship strike or discovery of an injured or dead marine mammal, Dominion must report the incident to the OPR, NMFS and to the New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. The report must include the information listed in the **Federal Register** notices of the issuance of the initial IHA (85 FR 55415; September 8, 2020) and the recently modified IHA (85 FR 81879; December 12, 2020).

Based on our evaluation of the applicant's measures in consideration of the increased estimated take for spotted dolphins, NMFS has re-affirmed the determination that the required mitigation measures provide the means effecting the least practicable impact on spotted dolphins and their habitat.

Preliminary Determinations

Dominion's HRG survey activities and the mitigation, monitoring, and reporting requirements are unchanged from those covered in the initial IHA. The effects of the activity, taking into consideration the mitigation and related monitoring measures, remain unchanged from those stated in the initial IHA, notwithstanding the increase to the authorized amount of common dolphin take. Specifically, the Level B harassment authorized for common dolphins is expected to be of lower severity, predominantly in the form of avoidance of the sound source and potential occasional interruption of foraging. With approximately 60 survey days remaining, NMFS is proposing to increase authorized spotted dolphin take by Level B harassment to 668 from 68. Even in consideration of the increased estimated numbers of take by Level B harassment, the impacts of these lower severity exposures are not expected to accrue to the degree that the fitness of any individuals is impacted, and, therefore no impacts on annual rates of recruitment or survival will result. Further, and separately, the proposed take amount of common dolphin still would be of small numbers of spotted dolphins relative to the population size (less than one percent), as take that is less than one third of the species or stock abundance is considered by NMFS to be small numbers. In conclusion, there is no new information suggesting that our effects analysis or negligible impact finding for common dolphins should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily reaffirmed the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the proposed authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) Dominion's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act (ESA)

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the modification of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the modified IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to modify the IHA to Dominion for conducting marine site characterization surveys in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the CVOW Commercial Project effective until August 27, 2021. The only change is an increase in the authorized take by Level B harassment of common dolphins from 68 to 668. A draft of the proposed modified IHA can be found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.*

Request for Public Comments

We request comment on our proposed modification of the IHA for Dominion's marine site characterization surveys. We also request comment on the potential for renewal of this modified IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization or subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of Proposed Activities and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of Proposed Activities and Anticipated

Impacts section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 4, 2021.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–04905 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA857]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow commercial fishing vessels to fish outside of scallop regulations in support of funding research under the Scallop Research Set-Aside Program by conducting compensation fishing. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before March 25, 2021.

ADDRESSES: You may submit written comments by email to *nmfs.gar.efp@noaa.gov.* Include in the subject line ''ME DMR Compensation Fishing EFP.''

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fisheries Management Specialist, 978–282–8456.

SUPPLEMENTARY INFORMATION: Maine Department of Marine Resources (ME DMR) submitted a complete application for an Exempted Fishing Permit (EFP) on December 23, 2020, requesting an exemption for vessels with Federal Northern Gulf of Maine (NGOM) permits fishing under their 2020 Scallop Research Set-Aside (RSA) Letters of Authorization to fish their allocation outside of the NGOM management area. Under the Scallop RSA program, projects are awarded a set amount of pounds of scallops for vessels to harvest that pays for the research component of the project. Compensation fishing under the Scallop RSA Program is not restricted to the NGOM management area; however, vessels with a NGOM scallop permit are restricted to only fishing for and possessing scallops within this area.

ME DMR needs this exemption in order to provide vessels the most flexibility to harvest all of the pounds it was allocated under the Scallop RSA Program. Allowing the exemption would not create additional fishing pressure in other areas because it is already assumed that vessels participating in compensation fishing have access to any areas that are allowed under Framework Adjustment 32 to the Atlantic Sea Scallop Fishery Management Plan. This EFP would be valid through the 2020 Scallop RSA compensation fishing season and must be used in conjunction with a valid compensation fishing Letter of Authorization. All compensation fishing trips would otherwise be consistent with normal compensation fishing activity and catch would be retained for sale.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 4, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–04908 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA919]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D. (Permit Nos. 19257–01 and 20341–01), Carrie Hubard (Permit No. 23078), Jennifer Skidmore (Permit No. 23447), Sara Young (Permit Nos. 23554 and 23858), Malcolm Mohead (Permit Nos. 24016 and 24020), and Jordan Rutland (Permit No. 25417) at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal**

Register notice that announced our receipt of the application and a complete description of the activities, go to *www.federalregister.gov* and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous **Federal Register** notice	Issuance date
19257–01	0648–XE061	Ann M. Zoidis, Cetos Research Organization, 11 Des Isle Avenue, Bar Harbor, ME 04609.	80 FR 59736; October 2, 2015.	January 29, 2021.
20341–01	0648–XE773	Craig Matkin, North Gulf Oceanic Society, 3430 Main Street, Suite B1, Homer, AK 99603.	82 FR 11180; February 21, 2017.	February 11, 2021.
23078	0648–XA106	Marilyn Mazzoil, Dolphin Census Inc., 9611 U.S. Highway 1, #382, Sebastian, FL 32958.	85 FR 20251; April 10, 2020	February 8, 2021.
23447	0648–XA489	Alliance of Marine Mammal Parks and Aquariums, 218 N Lee Street, Suite 200, Alexandria, VA, 22314 (Responsible Party: Kathleen Dezio).	85 FR 58340; September 18, 2020.	February 16, 2021.
23554	0648–XA606	Colleen Reichmuth, Ph.D., Long Marine Laboratory, Institute of Marine Sciences Address at the University of California at Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95060.	85 FR 71633; November 10, 2020.	February 16, 2021.
23858	0648–XA468	NMFS' Marine Mammal Laboratory, 7600 Sand Point Way NE, Seattle, WA 98115 (Responsible Party: John Bengtson, Ph.D.).	85 FR 56220; September 11, 2020.	February 25, 2021.
24016	0648–XA558	Jason Kahn, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.	85 FR 65030; October 14, 2020.	January 28, 2021.
24020	0648–XA558	Michael Stangl, Delaware Department of Natural Resources and Environmental Control, 3002 Bayside Drive, Dover, DE 19901.	85 FR 65030; October 14, 2020.	January 28, 2021.
25417	0648–XA786	Silverback Films, 1 St. Augustine's Yard, Gaunts Lane, Bristol BS1 5DE, United Kingdom (Responsible Party: Edward Charles).	86 FR 1481; January 8, 2021.	February 24, 2021.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: March 5, 2021.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–05003 Filed 3–9–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0034]

Agency Information Collection Activities; Comment Request; Assurance of Compliance—Civil Rights Certificate

AGENCY: Office for Civil Rights (OCR), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before May 10, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0034. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elizabeth Wiegman, (202) 453–6039.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in

public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Assurance of Compliance—Civil Rights Certificate.

OMB Control Number: 1870–0503.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 8.

Abstract: The Office for Civil Rights (OCR) has enforcement responsibilities under several civil rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Boy Scouts of America Equal Access Act. To meet these responsibilities, OCR collects assurances of compliance from applicants for Federal financial assistance from, and applicants for funds made available through, the Department of Education, as required by regulations. These entities include, for example, State educational agencies, local education agencies, and postsecondary educational institutions. If a recipient violates one or more of these civil rights laws, OCR and the Department of Justice can use the signed assurances of compliance in an enforcement proceeding.

Dated: March 4, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–04921 Filed 3–9–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0193]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Teacher Cancellation Low Income Directory

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before April 9, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Teacher Cancellation Low Income Directory.

OMB Control Number: 1845–0077.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 6,840.

Abstract: The Higher Education Act of 1965, as amended, (HEA) allows for up to a one hundred percent cancellation of a Federal Perkins Loan and loan forgiveness of a Federal Family Education Loan and Direct Loan program loan if the graduate teaches full-time in an elementary or secondary school serving low-income students.

The data collected for the development of the Teacher Cancellation Low Income Directory provides web-based access to a list of all elementary and secondary schools, and educational service agencies that serve a total enrollment of more than 30 percent low income students (as defined under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended). The Directory allows post-secondary institutions to determine whether or not a teacher, who received a Federal Perkins Loan, Direct Loan, or Federal Family Education Loan at their school, is eligible to receive loan cancellation or forgiveness or that a teacher who received a TEACH Grant is meeting the service obligation.

Dated: March 5, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–04989 Filed 3–9–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 17–18, 2021, through a webinar, in connection with a joint meeting of the IEA's Standing Group on Emergency

Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) which is scheduled at the same time.

DATES: March 17–18, 2021.

ADDRESSES: The location details of the SEQ and SOM webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held as a webinar, commencing at 12 noon, Central European Time (CET), on March 17, 2021. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held via webinar at the same time. The IAB will also hold a preparatory meeting via webinar among company representatives at 15:00 CET on March 15, 2021. The agenda for this preparatory webinar meeting is to review the agenda for the SEQ meeting.

The location details of the SEQ webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
2. Approval of the Summary Record of the 162nd Meeting (webinar)
3. Status of Compliance with IEP Agreement Stockholding Obligations, and Outlook 2021
4. Emergency Response Review of Lithuania
5. Industry Advisory Board Update
6. Emergency Response Review of Portugal
7. Oral Reports by Administrations
8. Emergency Response Review of Spain
9. Any Other Business

Schedule of ERRs for 2021 and 2022 Questionnaire for 2021/2022 cycle

Schedule of SEQ & SOM Meetings for 2021:

—22–24 June 2021

—16–18 November 2021

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held as a webinar, commencing at 12 noon, Central European Time (CET), on March 18, 2021. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held via webinar at the same time. The location details of the SEQ and SOM webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

Introduction

1. Adoption of the Agenda
2. Approval of Summary Record of meeting of 18 November 2020
3. Update on the Current Oil Market Situation followed by Q&A
4. Reports on Recent Oil Market and Policy Developments in IEA Countries
5. Presentation: ''OIL 2021—Forecast and analysis to 2026'' followed by Q&A
6. Energy Security and Energy Transitions
7. Any other business:

Date of next SEQ/SOM meetings: 22–24 June 2021

Close of meeting

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Signing Authority

This document of the Department of Energy was signed on March 3, 2021, by Thomas Reilly, Assistant General Counsel for International and National Security Programs, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, March 5, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–04980 Filed 3–9–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1259–000]

Coso Battery Storage, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Coso Battery Storage, LLC 's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 24, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling

link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: March 4, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04965 Filed 3–9–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–54–000]

Complaint of Michael Mabee Related to Reliability Standards; Notice of Complaint

Take notice that on March 1, 2021, pursuant to section 215(d) of the Federal Power Act, 16 U.S.C. 824o(d) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2020), Michael Mabee, (Complainant) filed a formal complaint alleging that the Texas grid events of February 15, 2021 resulted from either a failure to comply with mandatory Reliability Standards or that mandatory Reliability Standards were ineffective, as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. All interventions, or protests must be filed on or before the comment date.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 Eastern Time on April 5, 2021.

Dated: March 4, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–04990 Filed 3–9–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2153–066]

United Water Conservation District; Notice of Waiver Period for Water Quality Certification Application

March 4, 2021.

On March 3, 2021, United Water Conservation District submitted to the Federal Energy Regulatory Commission (Commission) a copy of their application for a Clean Water Act section 401(a)(1) water quality certification filed with the California State Water Resources Control Board (California Water Board), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the California Water Board of the following:

Date of Receipt of the Certification Request: March 3, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: March 3, 2022.

If the California Water Board fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–04991 Filed 3–9–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file

associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. CP17–458–000	2–18–2021	Byron Hardesty.
2. CP20–466–000	3–2–2021	Robert E. Rutkowski.
Exempt:		
1. CP17–458–000	1–21–2021	U.S. Representative Frank D. Lucas
2. P–14803–000	1–28–2021	U.S. Senate.[1]
3. CP16–10–000	2–12–2021	U.S. Senator Tim Kaine.
4. CP17–458–000	2–17–2021	U.S. Representative Tom Cole.
5. CP17–458–000	2–17–2021	U.S. Representative Tom Cole.
6. CP17–458–000	2–17–2021	U.S. Representative Frank D. Lucas.
7. CP17–494–000 CP17–495–000	2–19–2021	State of Oregon, Governor Kate Brown.

[1] U.S. Senators Ron Wyden, Jeffrey A. Merkley, Dianne Feinstein, and U.S. Representative Jared Huffman.

Dated: March 4, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04961 Filed 3–9–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–63–000.

Applicants: Effingham County Power, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Effingham County Power, LLC.

Filed Date: 3/3/21.

Accession Number: 20210303–5205.

Comments Due: 5 p.m. ET 3/24/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–1264–000.

Applicants: Duke Energy Indiana, LLC.

Description: § 205(d) Rate Filing: 2021 Annual Reconciliation Filing to be effective 7/1/2020.

Filed Date: 3/3/21.

Accession Number: 20210303–5161.

Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1265–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Service Agreement No. 5981; Queue No. AG1–386 to be effective 2/9/2021.

Filed Date: 3/3/21.

Accession Number: 20210303–5168.

Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1266–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2021–03–03 Variable Operations and Maintenance Tariff Revisions to be effective 5/17/2021.

Filed Date: 3/3/21.

Accession Number: 20210303–5187.

Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1269–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 3836; Queue No. Z1–050 (amend) to be effective 4/30/2014.

Filed Date: 3/4/21.

Accession Number: 20210304–5033.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1270–000.

Applicants: Alabama Power Company.

Description: Initial rate filing: Raybun Gap Enhanced Reliability Upgrade Construction Agreement Filing to be effective 2/23/2021.

Filed Date: 3/4/21.

Accession Number: 20210304–5093.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1271–000.

Applicants: Georgia Power Company.

Description: Initial rate filing: Raybun Gap Enhanced Reliability Upgrade Construction Agreement Filing to be effective 2/23/2021.

Filed Date: 3/4/21.

Accession Number: 20210304–5094.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1272–000.

Applicants: Mississippi Power Company.

Description: Initial rate filing: Raybun Gap Enhanced Reliability Upgrade Construction Agreement Filing to be effective 2/23/2021.

Filed Date: 3/4/21.

Accession Number: 20210304–5095.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1273–000.

Applicants: Oleander Power Project, Limited Partnership.

Description: Baseline eTariff Filing: Oleander Power Project, Limited Partnership PPA with Seminole to be effective 1/1/2022.

Filed Date: 3/4/21.

Accession Number: 20210304–5109.

Comments Due: 5 p.m. ET 3/25/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 4, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04969 Filed 3–9–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0091; FRL–10008–80]

Certain New Chemicals or Significant New Uses; Statements of Findings for January Through December 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs). This document presents statements of findings made by EPA on TSCA notices during the period from January 1, 2020 to December 31, 2020.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1667; email address: *Edelstein.Rebecca@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0091, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from January 1, 2020 to December 31, 2020.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use. The submitter of a notice to EPA for which EPA has made a finding of ''not likely

to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Website link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA case No.	Chemical identity	Website link
P–20–0170, P–20–0171, P–20–0172.	Glycerin, alkoxylated alkyl acid esters (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-487.*
P–20–0102	Coal, brown, ammoxidized (CASRN: 2413186–32–8)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-486.*
SN–20–0006	Phenol,4,4′-[1-[4-[1-(4-hydroxyphenyl)-1-methylethyl]phenyl]ethylidene]bis- (CASRN: 110726–28–8).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-485.*
P–20–0094	Alkanedioic acid, polymer with tri-alkyl-isocyanatocarbomonocycle, dialkylglycols, ester with 2,3-dihydroxypropyl alkyl ester, 2-hydroxyethyl methacrylate-blocked (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-484.*
P–20–0076	Glycine, reaction products with sodium O-iso-Pr carbonodithioate, sodium salts (CASRN: 2205080–23–3).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-483.*
P–19–0082	Heptanal, 6-hydroxy-2,6-dimethyl- (CASRN: 62439–42–3)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-482.*
P–20–0161	Propanedioic acid, 2-methylene-, 1,3-diethyl ester, polymer with 1,4-butanediol (CASRN: 2364431–09–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-481.*
P–20–0154	Polyamines, reaction products with succinic anhydride polyalkenyl derivs, borates (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-480.*
P–20–0146	Alkanoic acid, alkyl, carbopolycyclic alkyl ester (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-479.*
P–19–0038	Fatty acids, coco, iso-Bu esters (CASRN: 91697–43–7)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-478.*
P–18–0175	Formaldehyde, polymer with 4-(1,1-dimethylethyl) phenol and phenol, Bu ether (CASRN: 2215936–67–5).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-477.*
P–20–0048, P–20–0049.	P–20–0048: Reaction products of alkyl-terminated alkylaluminoxanes and dihalogeno(alkylcyclopentadienyl)(tetraalkylcyclopentadienyl)transition metal coordination compound (generic name), P–20–0049: Reaction products of alkyl-aluminoxanes and bis(alkylcyclodialkylene)dihalogenozirconium (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-476.*
P–20–0160	Amines, C–36-alkylenedi-, polymers with bicyclo[2.2.1]heptanedimethanamine, [5,5′-biisobenzofuran]-1,1′,3,3′-tetrone and 3a,4,4a,7a,8,8a-hexahydro-4,8-etheno-1H,3H-benzo[1,2-c:4,5-c′]difuran-1,3,5,7-tetrone, maleated (CASRN: 2415902–37–1).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-475.*
P–20–0143	Cyclohexanemethanamine, 5-amino-1,3,3-trimethyl-, polymer with a-hydro-w-hydroxypoly(oxy-1,4-butanediyl), 5- isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 1,1-methylenebis[4-isocyanatobenzene] (CASRN: 2417925–50–7).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-474.*

EPA case No.	Chemical identity	Website link
P–20–0098	Calcium cycloalkylcarboxylate (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-473.*
P–20–0061	Formaldehyde, polymer with alkylphenols, alkyl ether (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-472.*
P–18–0355	Alkanediol, substituted alkyl, polymer with carbomonocyle, alkanedioate substituted carbomonocycle, ester with substituted alkanoate (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-471.*
P–20–0111	1,2,4-Benzenetricarboxylic acid, 1,2,4-trinonyl ester (CASRN: 35415–27–1)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-470.*
P–18–0337	Propanedioic acid, 2,2-bis(hydroxymethyl)-, 1,3-dicyclohexyl ester (CASRN: 2222732–46–7).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-469.*
P–16–0538	9-Octadecenoic acid (9Z)-, compound with N-cyclohexylcyclohexanamine (1:1) (CASRN: 22256–71–9).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-468.*
P–18–0335	Propanedioic acid, 1,3-dicyclohexyl ester (CASRN: 1152–57–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-467.*
P–18–0334	Propanedioic acid, 1,3-dihexyl ester (CASRN: 1431–37–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-466.*
P–18–0330	Formaldehyde, polymer with alkyl aryl ketone (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-465.*
P–18–0289	2-(2(Methylcaboxymonocyclic)amino)ethoxy)-alcohol (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-464.*
P–20–0099	Mixed Metal Oxide (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-463.*
P–20–0066	2-Propenoic acid, 2-hydroxyethyl ester, reaction products with dialkyl hydrogen heterosubstituted phosphate and dimethyl phosphonate (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-462.*
P–19–0162	Fatty acid alkyl amide, (dialkyl) amino alkyl, alkyl quaternized, salts (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-461.*
P–18–0336	Propanedioic acid, 2,2-bis(hydroxymethyl)-, 1,3-dihexyl ester (CASRN: 2222732–45–6).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-460.*
P–17–0115	Aminoalkyl alkoxysilane (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-459.*
J–20–0009, J–20–0011.	Biofuel producing *Saccharomyces cerevisiae* modified, genetically stable (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-458.*
J–20–0007, J–20–0008.	Biofuel producing *Saccharomyces cerevisiae* modified, genetically stable (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-457.*
J–20–0012	Biofuel producing *Saccharomyces cerevisiae* modified, genetically stable (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-456.*

EPA case No.	Chemical identity	Website link
P–18–0308	Bis((hydroxyalkoxy)aryl)carbopolycyclic (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-455.*
P–18–0370, P–18–0371.	Salt of a maleic anhydride and substituted alkene copolymer (generic name), Salt of a maleic anhydride—substituted alkene copolymer (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-454.*
P–18–0369	Maleic anhydride—substituted alkene copolymer (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-453.*
P–19–0147	Alkoxylated butyl alkyl ester (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-452.*
P–18–0036	Siloxanes and Silicones, di-Me, 3-[3-carboxy-2(or 3)-(octenyl)-1-oxopropoxy]propyl group-terminated (CASRN: 403616–34–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-451.*
P–18–0382	Xanthylium, bis[dicarboxycyclic]sulfonylamino-alkylcyclicamino-disulfo-sulfocyclic-, inner salt, monocationic salt (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-450.*
P–18–0359	Methoxy vinyl ether-vinylidene fluoride polymer (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-449.*
P–17–0333	Fatty acid dimers, polymer with acrylic acid and pentaerythritol reaction products (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-448.*
P–20–0068	1,3-Propanediol, 2,2-dimethyl-, 1,3-diacetate (CASRN: 13431–57–7)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-447.*
P–20–0040	2-Propenoic acid, cycloalkyl ester (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-446.*
P–20–0038	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]- (CASRN: 91403–64–4).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-445.*
P–20–0015	N-alkyl heteromonocyclic diphenolamide, polymer with Bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-444.*
P–18–0400	Rosin adduct ester, polymer with polyols, potassium salt (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-443.*
P–18–0399	Rosin adduct ester, polymer with polyols, compd. with ethanolamine (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-442.*
P–18–0363	Phenol, polymer with formaldehyde, substituted phenol, sodium salt (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-441.*
P–18–0320	Alkane, diisocyanato-(isocyanatoalkyl)- (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-440.*
P–16–0313	Tar acids (shale oil), C6–9 fraction, alkylphenols, low-boiling (CASRN: 1887000–93–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-439.*
P–16–0512	Fatty acid dimers, polymer with acrylic acid and pentaerythritol reaction products (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-438.*

EPA case No.	Chemical identity	Website link
P–20–0103	Cycloaliphatic amine formate (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-437.*
P–20–0090	Poly(oxy-1,2-ethanediyl), .alpha.-(alkyl-hydroxyalkyl)-.omega.-hydroxy-, .omega.-alkyl ethers (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-436.*
P–20–0086	2-Oxepanone, homopolymer, ester with hydroxyalkyl trioxo heteromonocyclic (3:1) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-435.*
P–20–0035	Substituted aromatic, 3,3′-bis[substituted, sodium salt] (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-434.*
P–20–0011	Tetraoxaspiro[5.5]alkyl-3,9-diylbis(alkyl-2,1-diyl) bis(2-cyano-3-(3,4-dimethoxyphenyl)acrylate) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-433.*
SN–19–0006	2-Propen-1-one, 1-(4-morpholinyl)- (CASRN: 5117–12–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-432.*
P–18–0378	Acrylic and Methacrylic acids and esters, polymer with alkenylimidazole, alkyl polyalkylene glycol, alkenylbenzene, alkylbenzeneperoxoic acid ester initiated, compds. with Dialkylaminoalkanol (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-431.*
P–18–0263	Mixed alkyl esters-, polymer with N1-(2-aminoethyl)- l,2-ethanediamine, aziridine, Nacetyl derivs., acetates (salts) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-430.*
P–15–0633	1(2H)-Naphthalenone,4-ethyloctahydro-8-methyl- (CASRN: 870515–09–6)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-429.*
P–20–0074	Oxirane, 2-methyl-, polymer with oxirane, monoundecyl ether, branched and linear (CASRN: 2222805–23–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-428.*
P–20–0069	2-Propenoic acid, 2-methyl-, polymer with 2-hydroxyethyl 2-methyl-2-propenoate phosphate and 2-propenoic acid salt, peroxydisulfuric acid ([(HO)S(O)2]2O2) sodium salt (1:2)- and sodium (disulfite) (2:1)-initiated (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-427.*
P–20–0057	Arene, trimethoxysilyl-, hydrolyzed (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-426.*
P–20–0056	Polyphosphoric acids, 2-[(alkyl-1-oxo-alkene-1-yl)oxy]alkyl esters, polymers with acrylic acid, alkyl acrylate, alkyl methacrylate, hydroxyalkyl methacrylate and carbomonocycle, 2,2′-(1,2-diazenediyl)bis[2,4-dialkylalkanenitrogensubstituted]-initiated (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-425.*
P–19–0161	Alkanol amine salt mixture (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-424.*
P–19–0116	sr-(Wasp Spider Polypeptide-1 Oligopeptide-178) (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-423.*
P–19–0064	4,4′-Methylenebis[2,6-dimethyl phenol] polymer with 2-(chloromethyl)oxirane, 1,4-benzyl diol, 2-methyl-2-propenoic acid, butyl 2-methyl 2-propenoate, ethyl 2-methyl 2-propenoate, and ethyl 2-propenoate, reaction products with 2-(dimethylamino) ethanol (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-422.*
P–18–0396	Alkenoic acid, alkyl, polymer with carbomonocyle alkyl propenoate and substituted alkyl alkenoate, ester with substituted alkyl alkanoate, tert-butyl substituted peroxoate-initiated (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-421.*
P–16–0449	2,7-Decadienal, (2E,7Z)- (CASRN: 52711–52–1)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-420.*

EPA case No.	Chemical identity	Website link
P–16–0326	Propanoic acid, 2,2-dimethyl-, 1-methyl-2-(1-methylethoxy)-2-oxoethyl ester (CASRN: 1821051–37–9).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-419.*
P–17–0324	2,4-Hexadien-1-ol, 1-acetate, (2E,4E)- (CASRN: 57006–69–6)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-418.*
P–20–0037	Lithium Chloride (6LiCl) (CASRN: 20227–31–0)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-417.*
P–20–0036	Carbonic acid, di(lithium-6Li) salt (CASRN: 25890–20–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-416.*
P–19–0109	Copper, bis[2-(amino-.kappa.N)ethanolato-.kappa.O]- (CASRN 14215–52–2); Copper, (2-)]- (CASRN: 21545–60–8).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-415.*
P–19–0088	Ethanamine, N-ethyl-, 2-hydroxy-1,2,3-propanetricarboxylate (1:?) (CASRN: 23251–73–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-414.*
P–19–0019	Haloalkane (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-413.*
P–18–0271	2-Propanol, 1-butoxy-, 2,2′-ester (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-412.*
P–18–0151	Formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol (CASRN: 158800–93–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-411.*
P–17–0195	1,3-Propanediol,2-methylene-, substituted (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-410.*
P–10–0542	Amide, polyprotic acid (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-409.*
P–18–0380	Butanoic acid ethyl amine (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-408.*
P–18–0332, P–18–0333.	(P–18–0332): Canola meal (CASRN: 121957–95–7), (P–18–0333): Flaxseed meal (CASRN: 2211120–89–5).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-407.*
J–20–0003, J–20–0004.	Genetically modified microorganism (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-406.*
P–20–0050	Benzenepentanol, .alpha.,.gamma.-dimethyl- (CASRN: 72681–01–7)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-405.*
P–20–0012	Polyol, polymer with alkyl diisocyanate, alkyl substituted heterocycle blocked (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-404.*
P–18–0362	1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-, polymer with 2,4-diisocyanato-1-methylbenzene, .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)] and .alpha.,.alpha.′,.alpha.″-1,2,3-propanetriyltris[.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)]], Me Et ketone oxime –blocked (CASRN: 1661004–48–3); polymer exemption flag, Polymer exemption flag: The chemical must be manufactured such that it meets the polymer exemption criteria as described under 40 CFR 723.250(e)(1), in addition to meeting the definition of polymer at 40 CFR 723.250(b).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-403.*

EPA case No.	Chemical identity	Website link
P–18–0168	Alkoxylated triaryl methane (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-402.*
P–17–0389	Alkyl oil, polymer with 1,4-cyclohexanedimethanol, dehydrated Alkyl oil, hydrogentated rosin, phthalic anhydride and trimethylolpropane (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-401.*
P–20–0052	Oxirane, 2-methyl-, polymer with oxirane, mono(3,5,5-trimethylhexanoate) (CASRN: 148263–50–7).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-400.*
P–17–0294	2-Butanone, 3-methyl-, peroxide (CASRN: 182893–11–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-399.*
P–17–0086	Cycloalkyl, bis(ethoxyalkyl)-, trans-; Cycloalkyl, bis(ethoxyalkyl)-, cis- (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-398.*
P–20–0041	1,3-Benzenedicarboxylic acid, polymer with 3-methyl-1,5-pentanediol (CASRN: 76962–70–4).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-397.*
P–19–0136	iso-alkylamine, N-isoalkyl-N-methyl (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-396.*
P–19–0174	Octadecanoic acid, (alkylphosphinyl), polyol ester (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-395.*
P–18–0262	2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with ammonium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1), N,N-dimethyl-2-propenamide and .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-(dodecyloxy)poly(oxy-1,2-ethanediyl) (CASRN:1190091–71–4).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-394.*
P–20–0054	Nitrile hydratase NH–6L (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-393.*
P–19–0134	5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane], [Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-hydro-.omega.-hydroxy-, polymer with 1,6-diisocyanatohexane], polymer with [Poly(oxy-1,4-butanediyl), .alpha.-hydro-.omega.-hydroxy-], [Cyclic amine—ketone adduct, reduced], and [1,3-Propanediol, 2-ethyl-2-(hydroxymethyl) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-392.*
P–18–0098	Polyphosphoric acids, polymers with (alkoxyalkoxy)alkanol and substituted heteromonocycle (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-391.*
P–20–0027, P–20–0028.	(P–20–0027): Glycols, .alpha.,.omega.-, C2–6, polymers with adipic aicd, dodecanedioic acid, hydracrylic acid polyester, isophthalic acid, isophthalic acid, 1,1′-methylenebis[4-isocyanatobenzene], neopentyl glycol and terephthalic acid (generic name), (P–20–0028): Glycols, .alpha.,.omega.-, C2–6, polymers with adipic acid, aromatic polyester, dodecanedioic acid, hydracrylic acid polyester, isophthalic acid, 1,1′-methylenebis[4-isocyanatobenzene], neopentyl glycol and terephthalic acid (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-390.*
P–19–0189	Fatty acids, polymers with alkanediol and 1,1′-methylenebis[4-isocyanatobenzene] (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-389.*
P–18–0376	Thiosulfuric acid, aminoalkyl ester (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-388.*
P–18–0150	Tertiary amine, compounds with amino sulfonic acid blocked aliphatic isocyanate homopolymer (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-387.*
P–18–0381	Indium manganese yttrium oxide (CASRN: 1239902–45–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-386.*

EPA case No.	Chemical identity	Website link
P–18–0060	1-Butanaminium, 4-amino-N-(2-hydroxy-3-sulfopropyl)-N,N-dimethyl-4-oxo-, N-coco alkyl derivs., inner salts (CASRN: 2041102–83–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-385.*
P–18–0059	Butanoic acid, 4-(dimethylamino)-, ethyl ester (CASRN: 22041–23–2)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-384.*
P–16–0420	Dimethyl cyclohexenyl propanol (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-383.*
P–18–0364	Alkali humates, polymers with substituted acrylamides (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-382.*
P–17–0240	Alkenoic acid, polymer with alkanepolyolpolyacrylate, 2,2′-azobis[2-methylbutanenitrile]-initiated (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-381.*
J–20–0002	Microorganism with chromosomally-borne genetic modifications for the production of a chemical (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-380.*
P–20–0022	Polyalkoxycarbopolycycle hydroxy (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-379.*
P–17–0364	Dicyloalkyl-alkane-di-isocyanate homopolymer, alkyl alcohol and polyalkyl glycol mono-alkyl-ether-blocked (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-378.*
J–19–0001	Trichoderma reesei 3CH–3	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-377.*
P–20–0013	(P–20–0013): 2-Propenoic acid, 2-methyl-, (2-oxo-1,3-dioxolan-4-yl)methyl ester (CASRN: 13818–44–5).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-376.*
P–18–0391	1-Propanaminium, N-(carboxymethyl)-N, N-dimethyl-3-[(3,5, 5-trimethyl-1-oxohexyl), amino]- inner salt (CASRN: 2169783–63–3).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-375.*
P–18–0267, P–18–0268, P–18–0269.	(P–18–0267): Branched alkanoic acid, epoxy ester, reaction products with monocyclic dialkylamine and polycyclic alcohol epoxy polymer (generic name), (P–18–0268): Branched alkanoic acid, epoxy ester, reaction products with monocyclicdialkanamine and polycyclic dialkanol ether polymer (generic name), (P–18–0269): Branched alkanoic acid, epoxy ester, reaction products with monocyclicalkanamine, polycyclic alcohol ether homopolymer, and polycyclic alcohol epoxy polymer (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-374.*
P–20–0024	(P–20–0024): Phenol-formaldehyde polymer with amino-oxirane copolymer and nitrobenzoates. (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-373.*
P–20–0008	7-Heteropolycyclicsulfonic acid, 2-[4-[2-[1-[[(2-methoxy-5-methyl-4-sulfophenyl)amino]carbonyl]-2-oxopropyl]diazenyl]phenyl]-6-methyl-, compd. with (alkylamino) alkanol and (hydroxyalkyl) amine (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-372.*
P–19–0170	Alkenoic acid, alkyl-substituted, epoxy ester, polymer with alkyl alkenoate, alkene, and polylactide (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-371.*
P–18–0389	Alkenoic acid, alkyl-substituted, epoxy ester, polymer with alkyl alkenoate, alkene, and polylactide (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-370.*
P–18–0211	Alkaneamine, (aminoalkyl)-, polymer with aziridine and 1,6-diisocyanatohexane, polyethylene glycol alkyl ether- and polyethylene-polypropylene glycol aminoalkyl alkyl ether- and alkenyl benzenated polyethylene glycol Ph ether (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-369.*

EPA case No.	Chemical identity	Website link
P–18–0187	Carboxylic acid-polyamine condensate (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-368.*
P–17–0355	Benzoic acid, 2-hydroxy-, -alkyl derivs (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-367.*
P–19–0164	Bis-alkoxy substituted alkane, polymer with aminoalkanol (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-366.*
P–19–0158	Alkenoic acid polymer with 2-ethyl-2-(hydroxymethyl)-1,3-alkyldiol, 1,1′-methylenebis(4-isocyanatocarbomonocycle) and 3-methyl-1,5-aklydiol (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-365.*
P–18–0367	Acid-modified polyether (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-364.*
P–18–0199	Rare earth oxide (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-363.*
P–18–0126	Calcium manganese titanium oxide (CASRN: 153728–36–0)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-362.*
P–18–0058	Phosphonium, trihexyltetradecyl-, salt with 1,1,1-trifluoro-N-[(trifluoromethyl)sulfonyl]methanesulfonamide (1:1) (CASRN: 460092–03–9).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-361.*
P–18–0236	Metal, alkenoic acid-alkyl alkenoate-alkyl substituted alkenoate polymer carbopolycycle complexes (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-360.*
P–18–0108	Aromatic anhydride polymer with bisalkylbiphenylbisamine compound with alkylaminoalkyl acrylate ester (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-359.*
P–18–0031	Substituted dicarboxylic acid, polymer with various alkanediols (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-358.*
SN–17–0011	Polyfluorohydrocarbon (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-357.*
J–20–0001	Biofuel producing *Saccharomyces cerevisiae* modified, genetically stable (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-356.*
P–18–0328	Plant oil fatty acids, alkyl esters (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-355.*
P–18–0067	Fatty acids, C14–18 and C16–18-unsatd., polymers with adipic acid and triethanolamine, di-Me sulfate-quaternized (CASRN: 1211825–32–9).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-353.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 4, 2021.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–04978 Filed 3–9–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0132; FRL–10020–72]

Cryolite and Propazine; Notice of Receipt of Request to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. These requests would terminate the last cryolite and propazine products registered in the

United States. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before April 9, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2021–0132, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Carolyn Smith.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Carolyn Smith, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 703–347–8325; email address: *smith.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel eight pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue orders in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Chemical name
10163–41	Prokil Cryolite 96	Cryolite.
10163–225	Gowan Cryolite Bait	Cryolite.
10163–242	Prokil Cryolite 75-Dust	Cryolite.
10163–243	Prokil Cryolite 50-Dust	Cryolite.
42750–148	Propazine 4L	Propazine.
42750–149	Propazine Technical	Propazine.
91813–32	Kryocide Insecticide	Cryolite.
FL000011	Prokil Cryolite 96	Cryolite.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366.
42750	Albaugh, LLC, P.O. Box 2127, Valdosta, GA 31604–2127.
91813	UPL NA, Inc., 630 Freedom Business Ctr., #402, King of Prussia, PA 19406.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may, at any time, request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrant requests a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II, EPA anticipates allowing registrants to sell and distribute existing stocks of the cryolite products listed in Table 1 of Unit II for 18 months after publication of the Cancellation Order in the **Federal Register**, and EPA anticipates allowing registrants to sell and distribute existing stocks of the propazine products listed in Table 1 of Unit II for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 4, 2021.

Mary Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2021–04903 Filed 3–9–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Petition IV–2020–5; FRL–10021–14–Region 4]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Hazlehurst Wood Pellets, LLC (Jeff Davis County, Georgia)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition to object to state operating permit.

SUMMARY: The Environmental Protection Agency's (EPA) Administrator signed an Order, dated December 31, 2020, denying the petition submitted by the Environmental Integrity Project on behalf of itself and the Georgia Chapter of Sierra Club, Dogwood Alliance, the Rachel Carson Council, Partnership for Policy Integrity, Natural Resources Defense Council, and Our Children's Earth Foundation (Petitioners). The Order responds to the Petitioners' April 14, 2020, petition requesting that the EPA object to the proposed Clean Air Act (CAA) title V operating permit number 2499–161–0023–V–02–4 issued by the Georgia Environmental Protection Division (EPD) to Hazlehurst Wood Pellets, LLC for its facility located in Jeff Davis County, Georgia. The Order constitutes a final action on the petition addressed therein.

ADDRESSES: Copies of the Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA Region 4; Air and Radiation Division; 61 Forsyth Street SW; Atlanta, Georgia 30303–8960. The Order is also available electronically at the following address: *https://www.epa.gov/sites/production/files/2021-01/documents/hazlehurstorder2020.pdf.* EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection at the Regional Office. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Art Hofmeister, Air Permits Section, Air Planning and Implementation Branch, Air and Radiation Divisions, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia, 30303–8960. The telephone number is (404) 562–9115. Mr. Hofmeister can also be reached via electronic mail at *hofmeister.art@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661–7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

Petitioners submitted a petition requesting that EPA object to the proposed CAA title V operating permit no. 2499–161–0023–V–02–4 issued by EPD to the Hazlehurst facility. Petitioners claim that this permitting action fails to include all applicable requirements, specifically the requirements related to section 112(r)(1) of the CAA (''general duty clause'').

On December 31, 2020, the Administrator issued an Order denying the petition. The Order explains the EPA's basis for denying the petition.

Judicial Review: Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal are the proper forum for petitions for review of final actions by EPA. This section provides, in part, that

petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.'' For locally or regionally applicable actions, the CAA reserves to EPA complete discretion whether to invoke the exception in (ii).

As explained in the Order, this Order is locally applicable because it denies the single claim raised by the Petition and applies, on its face, to a single source in a single state. *Sierra Club* v. *EPA,* 926 F.3d 844, 849 (D.C. Cir. 2019). However, the Administrator exercised the complete discretion afforded to him under the CAA to make a finding in the Order that this action is based on a determination of nationwide scope or effect, and to publish this finding by publishing this notice regarding the Order in the **Federal Register**.

Thus, pursuant to sections 307(b) and 505(b)(2) of the CAA, any petitions for judicial review of this Order must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this notice is published in the **Federal Register**.

Dated: March 4, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–04966 Filed 3–9–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1253; FRS 17547]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 10, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1253.

Title: Section 74.803(c) and (d), Wireless Microphones.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or Households, Business or other for-profit; Not-for-profit institutions.

Number of Respondents and Responses: 65 respondents; 815 responses.

Estimated Time per Response: 0.5–2 hours.

Frequency of Response: Recordkeeping, third party disclosure, and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 4(i), 4(j), 7(a) 301, 302(a), 303(f), 307(e), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 302(a), 303(f), 307(e), and 332.

Total Annual Burden: 818 hours.

Total Annual Cost: $55,313.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No information is requested that would require assurance of confidentiality.

Needs and Uses: The Commission will submit this information collection to OMB as an extension after this 60-day comment period to obtain the full three-year clearance from them.

In 2015 the Federal Communications Commission adopted, and in 2017 the Commission affirmed, the modification of Section 74.803—specifically, sections 74.803(c) and (d)—to authorize licensed low power auxiliary station operations (referenced herein as ''wireless microphone'' operations) on additional frequency bands. Specifically, under section 74.803(c), the Commission permitted licensed wireless microphone operations on the 941.5–944 MHz, the 952.85–956.25 MHz, the 956.45–959.85 MHz, the 6875–6900 MHz, and the 7100–7125 MHz bands, provided the particular coordination requirements were met; under section 74.803(d), the Commission authorized operations on the 1435–1525 MHz band provided that requisite conditions, including coordination, were met. With these revisions, the Commission promoted its goal of accommodating wireless microphone users' needs through access to spectrum resources following the incentive auction and reconfiguration of the TV bands.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–05000 Filed 3–9–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *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 agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201143–019.

Agreement Name: West Coast MTO Agreement.

Parties: APM Terminals Pacific LLC; Fenix Marine Services, Ltd.; Everport Terminal Services, Inc.; International Transportation Service, LLC; LBCT LLC dba Long Beach Container Terminal LLC; Total Terminals International, LLC; West Basin Container Terminal LLC; Pacific Maritime Services, LLC; SSAT (Pier A), LLC; Trapac LLC; Yusen Terminals LLC; and SSA Terminals, LLC.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment reflects a change in the name of International Transportation Service.

Proposed Effective Date: 2/25/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/2090.

Agreement No.: 201288–004.

Agreement Name: Digital Container Shipping Association Agreement.

Parties: Maersk A/S; Hapag-Lloyd AG; CMA CGM S.A.; MSC Mediterranean Shipping Company S.A.; Ocean Network Express Pte. Ltd.; HMM Company Limited; ZIM Integrated Shipping Services Ltd.; Yang Ming Marine Transport Corp.; and Evergreen Marine Corp. (Taiwan) Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment changes the name of Hyundai Merchant Marine Co., Ltd.

Proposed Effective Date: 3/1/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/21328.

Agreement No.: 201358.

Agreement Name: NPDL/ANLS Slot Charter Agreement.

Parties: Neptune Pacific Direct Line Pte. Ltd. and ANL Singapore Pte. Ltd.

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

Synopsis: The Agreement authorizes Neptune Pacific Direct Line Pte. Ltd. to charter space to ANL Singapore Pte Ltd in the trade between American Samoa and New Zealand.

Proposed Effective Date: 2/25/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/40502.

Dated: March 4, 2021.

Rachel E. Dickon,

Secretary.

[FR Doc. 2021–04947 Filed 3–9–21; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 25, 2021.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Patriot Financial Partners III, L.P., Patriot Financial Partners GP III, L.P., Patriot Financial Partners GP III, LLC, Patriot Financial Advisors, L.P., Patriot Financial Advisors, LLC, W. Kirk Wycoff, James J. Lynch, and James F. Deutsch, all of Radnor, Pennsylvania;* as a group acting in concert to retain voting shares of Georgia Banking Company, Inc., and thereby indirectly retain voting shares of Georgia Banking Company, both of Sandy Spring, Georgia.

Board of Governors of the Federal Reserve System, March 5, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05007 Filed 3–9–21; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') requests that the Office of Management and Budget (''OMB'') extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for the information collection requirements in the Fair Packaging and Labeling Act regulations (''FPLA Rules''). That clearance expires on April 30, 2021.

DATES: Comments must be filed by April 9, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–2889, 600 Pennsylvania Ave. NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulations Under Section 4 of the Fair Packaging and Labeling Act (FPLA), 16 CFR parts 500–503.

OMB Control Number: 3084–0110.

Type of Review: Extension without change of currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.

Abstract: The Fair Packaging and Labeling Act, 15 U.S.C. 1451 *et seq.,* was enacted to enable consumers to obtain accurate package quantity information to facilitate value comparisons and prevent unfair or deceptive packaging and labeling of consumer commodities. Section 4 of the FPLA requires packages or labels to be marked with: (1) A statement of identity; (2) a net quantity of contents disclosure; and (3) the name and place of business of the company responsible for the product. The FPLA regulations, 16 CFR parts 500–503, specify how manufacturers, packagers, and distributors of ''consumer commodities'' must comply with the Act's labeling requirements.[1]

[1] The term consumer commodity or commodity means any article, product, or commodity of any

Estimated Annual Burden Hours: 6,832,210.

Estimated Annual Labor Costs: $163,973,040.

Estimated Annual Non-Labor Costs: $0.

Request for Comment: On October 22, 2020, the Commission sought comment on the information collection requirements associated with the FPLA Rules. 85 FR 67350 (Oct. 22, 2020). No relevant comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew clearance for the Rules' information collection requirements.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2021–04993 Filed 3–9–21; 8:45 am]

BILLING CODE 6750–01–P

kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. 16 CFR 500.2(c). For the precise scope of the term's coverage, see 16 CFR 500.2(c); 503.2; 503.5.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10650 and CMS–10749]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by April 9, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* State Permissions for Enrollment in Qualified Health Plans in the Federally-Facilitated Exchange & Non-Exchange Entities; *Use:* On March 23, 2010, the Patient Protection and Affordable Care Act (PPACA; Pub. L. 111–148) was signed into law and on March 30, 2010, the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) was signed into law. The two laws implement various health insurance policies.

This information collection request (ICR) serves as the renewal of the data collection clearance related to the ability of states to permit agents and brokers, as well as Web-brokers, to assist qualified individuals, qualified employers, or qualified employees enrolling in Qualified Health Plans in the Federally Facilitated Exchange (45 CFR 155.220) and data collection requirements related to non-exchange entities. (45 CFR 155.260). [All references to § 155.220 shall mean 45 CFR 155.220.]. *Form Number:* CMS–10650 (OMB control number: 0938–1327); *Frequency:* Annually; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 55,148; *Number of Responses:* 55,148; *Total Annual Hours:* 272,707. (For questions regarding this collection, contact Michele Oshman at (301–492–4407).

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* National Plan and Provider Enumeration System (NPPES) Supplemental Data Collection; *Use:* The adoption by the Secretary of HHS of the standard unique health identifier for health care providers is a requirement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The unique identifier is to be used on standard transactions and may be used for other lawful purposes in the health care system. The CMS Final Rule published on January 23, 2004 adopts the National Provider Identifier (NPI) as the standard unique health identifier for health care providers. Health care providers that are covered entities under HIPAA must apply for and use NPIs in standard transactions. The law requires that data collection standards for these measures be used, to the extent that it is practical, in all national population health surveys. It applies to self-reported optional information only. The law also requires any data standards published by HHS to comply with standards created by the Office of Management and Budget (OMB).

The web based optional data fields can be seen in Appendix A1: Data Collected for the Office of Minority and Appendix A2: Data collected for the 21st Century Cures Act, interoperability. The standards apply to population health surveys sponsored by HHS, where respondents either self-report information or a knowledgeable person responds for all members of a household. HHS is implementing these data standards in all new surveys. *Form Number:* CMS–10749 (OMB control number: 0938–NEW); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 999,291; *Total Annual Responses:* 999,291; *Total Annual Hours:* 169,880. (For policy questions regarding this collection contact DaVona Boyd at 410–786–7483.)

Dated: March 4, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–04899 Filed 3–9–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB No. 0985–0005]

Agency Information Collection Activities; Proposed Collection; Comment Request; State Annual Long-Term Care Ombudsman Report-National Ombudsman Reporting System

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on a revision to the information collection requirements related to the National Ombudsman Reporting System and Older Americans Act Title VII.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by May 10, 2021.

ADDRESSES: Submit electronic comments on the collection of information to: *louise.ryan@acl.hhs.gov.* Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Louise Ryan.

FOR FURTHER INFORMATION CONTACT: Louise Ryan, Administration for Community Living, Washington, DC 20201, (206) 615–2299 or by email: *louise.ryan@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

The report form and instructions have been in continuous use, with minor modifications, since OMB first approved them for the FY 1995 reporting period. The report underwent a substantive revision in April 2018, which included significant reduction in the number of data elements collected. This request covers minor changes and corrections to the current information collection. The data collection tool will enhance ACL's ability to understand and report on LTCO program operations, experiences of long-term care facility residents and will reflect changes in LTC Ombudsman program operations and long-term supports and services policies, research, and practices. States will continue to provide the following data and narrative information in the report:

1. Numbers and descriptions of cases filed and complaints made on behalf of long-term care facility residents to the statewide ombudsman program;

2. Major issues identified impacting on the quality of care and life of long-term care facility residents;

3. Statewide program operations; and

4. Ombudsman activities in addition to complaint investigation.

5. Organizational conflict of interest reporting as required by 45 CFR part 1324.21.

To comment on this information collection please visit the ACL website: *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows: Approximately 7,780 hours, with 52 state Ombudsman programs responding annually.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Total	52	1	149.6	7,780

Dated: March 4, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–04944 Filed 3–9–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Full Committee Meeting.

Dates and Times: Wednesday, March 31, 2021: 10:00 a.m.–5:30 p.m. EST. Thursday, April 1, 2021: 10:00 a.m.–4:30 p.m. EST.

Place: Virtual.

Status: Open.

Purpose: As outlined in its Charter, the National Committee on Vital and Health Statistics assists and advises the Secretary of HHS on health data, data standards, statistics, privacy, national health information policy, and the Department's strategy to best address those issues. At the March 31-April 1, 2021, meeting, the Committee will receive updates from HHS officials, hold discussions on current health data policy topics, and discuss its work plan for the upcoming period.

The Chair will facilitate discussion of the Committee's draft Fourteenth Report to Congress. The Subcommittee on Standards will discuss plans for furthering work on convergence of administrative and clinical data standards. The Subcommittee on Privacy, Confidentiality, and Security will follow up on its September 2020 hearing on data collection and use with respect to privacy and security during the pandemic and discuss plans for the next topic on which the Subcommittee will develop recommendations. In addition, the Committee anticipates briefings on current projects directly relevant to the Committee's work, such as new standards for Social Determinants of Health (SDOH) data and a comparative analysis of ICD–10–CM with ICD–11 for morbidity coding.

The Committee will reserve time for public comment toward the end of the schedule on both days. Meeting times and topics are subject to change. Please refer to the agenda posted at the NCVHS website for this meeting, *https://ncvhs.hhs.gov/meetings/full-committee-meeting-7/,* for any updates.

Contact Person for More Information: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, or via electronic mail to *vgh4@cdc.gov;* or by telephone (301) 458–4715. You can find a list of upcoming meetings, recent past meetings, and recent reports and recommendations on the NCVHS website, *https://ncvhs.hhs.gov/.* You can review the agenda for the meeting and instructions on how to access the broadcast of the meeting by navigating to the March 31–April 1 dates on the home page or on the NCVHS Meetings page, *https://ncvhs.hhs.gov/meetings-meeting/.*

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488–3210 as soon as possible.

Sharon Arnold,

Associate Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2021–05009 Filed 3–9–21; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuropsychiatric Disorders.

Date: April 6, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jenny Raye Browning, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 5207, Bethesda, MD 20892, (301) 402–8197, *jenny.browning@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Emerging Imaging Technologies in Neuroscience.

Date: April 7, 2021.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 5104, Bethesda, MD, 20892–5104, 301–237–1487, *lowss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–20–013 and 020: NIH Transformative and Emergency Transformative Research (R01) Awards Review.

Date: April 7–8, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: James J. Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148,

MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Hematology and Vascular Biology.

Date: April 7, 2021.

Time: 9:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Metabolism.

Date: April 7, 2021.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Latha Meenalochana Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435–1999, *malaiyandilm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and AIDS Related Research.

Date: April 7, 2021.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *mulkya@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Therapeutics and Biology.

Date: April 7, 2021.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Laura Asnaghi, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 6200, MSC 7804, Bethesda, MD 20892, (301) 443–1196, *laura.asnaghi@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

Date: April 7, 2021.

Time: 12:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4158, MSC 7806, Bethesda, MD 20892, 301 435 1256, *biesj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 4, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04950 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: AIDS and AIDS-Related Applications.

Date: April 1, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shalanda A. Bynum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301–755–4355, *bynumsa@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Coronavirus Drug Discovery and Development.

Date: April 1, 2021.

Time: 12:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9448, *shinako.takada@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Nephrology.

Date: April 2, 2021.

Time: 1:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bacterial Pathogenesis.

Date: April 2, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–827–7728, *lguo@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: HIV/AIDS Biological.

Date: April 2, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808 Bethesda, MD 20892, 301–435–1150, *politisa@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04891 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Hybrid Effectiveness Implementation Trials Review.

Date: April 5, 2021.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Shelley S. Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208–T, Bethesda, MD 20817, (301) 827–7984, *ssehnert@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04893 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; HeartShare Clinical Centers.

Date: April 19–20, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–Q, Bethesda, MD 20892–7924, (301) 827–7913, *creazzotl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04888 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 10, 2021, 9:30 a.m. to March 10, 2021, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on February 11, 2021, V86 Pg 9080.

The meeting start time changed from 9:30 a.m. to 10:30 a.m. The meeting location remains the same. The meeting is closed to the public.

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04886 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; HeartShare Data Translation Centers.

Date: April 16, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–Q, Bethesda, MD 20892–7924, (301) 827–7913, *creazzotl@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04887 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; NCATS Conference Grants Special Emphasis Panel.

Date: March 22, 2021.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alumit Ishai, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, MD 20892, 301–827–5819, *alumit.ishai@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04890 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings.

Date: April 8, 2021.

Time: 1:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, (301) 827–7085, *zhihong.shan@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04892 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Using Syndemics to Understand HLBS Disease in People with HIV.

Date: April 16, 2021.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–Z, Bethesda, MD 20892, (301) 827–7987, *susan.sunnarborg@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 4, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04889 Filed 3–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Advisory Committee for Women's Services (ACWS); Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Advisory Committee for Women's Services (ACWS) on March 31, 2021.

The meeting will include discussions on assessing SAMHSA's current strategies, including the mental health and substance use needs of the women and girls population. Additionally, the ACWS will be addressing priorities regarding the impact of COVID–19 on the behavioral health needs of women and children and directions around behavioral health services and access for women and children.

The meeting is open to the public and will be held virtually only. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions should be forwarded to the contact person by March 23, 2021. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact person on or before March 23, 2021. Up to five minutes will be allotted for each presentation.

The meeting may be accessed via telephone or web meeting. To obtain the call-in number and access code, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register on-line at *https://snacregister.samhsa.gov/MeetingList.aspx,* or communicate with the ACWS Designated Federal Officer, Ms. Valerie Kolick.

Substantive meeting information and a roster of ACWS members may be obtained either by accessing the SAMHSA Committees' web page at: *https://www.samhsa.gov/about-us/advisory-councils/meetings,* or by contacting Ms. Kolick.

Committee Name: Substance Abuse and Mental Health Services Administration Advisory Committee for Women's Services (ACWS).

Date/Time/Type: Wednesday, March 31, 2021, from: 1:00 p.m. to 4:30 p.m. EDT (OPEN).

Place: SAMHSA, 5600 Fishers Lane, Rockville, MD 20857 (Virtual).

Contact: Valerie Kolick, Designated Federal Officer, SAMHSA's Advisory Committee for Women's Services, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (240) 276–1738, Email: *Valerie.kolick@samhsa.hhs.gov*.

Dated: March 4, 2021,

Carlos Castillo,

Captain, Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2021–04935 Filed 3–9–21; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2117]

Changes in Flood Hazard Determinations

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

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Madison	City of Huntsville (19–04–5211P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, 308 Fountain Circle, 8th Floor, Huntsville, AL 35801.	City Hall, 308 Fountain Circle, 8th Floor, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	May 20, 2021	010153
Madison	Unincorporated areas of Madison County (19–04–5211P).	The Honorable Dale W. Strong, Chairman, Madison County Commission, 100 North Side Square, Huntsville, AL 35801.	Engineering Department, 100 Hughes Road, Madison, AL 35758.	*https://msc.fema.gov/portal/advanceSearch.*	May 20, 2021	010151
Arizona:						
Mohave	City of Lake Havasu City (20–09–1801P).	The Honorable Cal S. Sheehy, Mayor, City of Lake Havasu City, 2330 McCulloch Boulevard North, Lake Havasu City, AZ 86403.	Development Services Department, 2330 McCulloch Boulevard North, Lake Havasu City, AZ 86403.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 3, 2021	040116
Mohave	Unincorporated areas of Mohave County (20–09–1801P).	The Honorable Buster Johnson, Chairman, Mohave County Board of Supervisors, 2001 College Drive, Suite 90, Lake Havasu City, AZ 86403.	Mohave County Flood Control District, 3250 East Kino Avenue, Kingman, AZ 86409.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 3, 2021	040058
Colorado:						
El Paso	City of Colorado Springs (20–08–0838P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80903.	Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2021	080060
El Paso	Unincorporated areas of El Paso County (20–08–0750P).	The Honorable Stan VanderWerf, Chairman, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 14, 2021	080059
Weld	Town of Severance (20–08–0596P).	The Honorable Donald McLeod, Mayor, Town of Severance, 3 South Timber Ridge Parkway, Severance, CO 80550.	Town Hall, 3 South Timber Ridge Parkway, Severance, CO 80550.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 10, 2021	080317
Connecticut: Hartford.	Town of Simsbury (20–01–1155P).	Ms. Maria Capriola, Town of Simsbury Manager, 933 Hopmeadow Street, Simsbury, CT 06070.	Town Hall, 933 Hopmeadow Street, Simsbury, CT 06070.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 3, 2021	090035
Florida:						
Collier	City of Naples (20–04–6275P).	The Honorable Teresa L. Heitmann, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	*https://msc.fema.gov/portal/advanceSearch.*	May 13, 2021	125130
Miami-Dade	City of Sunny Isles Beach (20–04–5872P).	The Honorable George ''Bud'' Scholl, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Building Department, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2021	120688
Monroe	Unincorporated areas of Monroe (21–04–0609P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33042.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 14, 2021	125129
Monroe	Village of Islamorada (21–04–0284P).	The Honorable Buddy Pinder, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	*https://msc.fema.gov/portal/advanceSearch.*	May 27, 2021	120424
Orange	City of Orlando (20–04–5596P).	The Honorable Buddy W. Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch.*	May 18, 2021	120186

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Pinellas	City of Clearwater (20–04–6149P).	Mr. William Horne, City of Clearwater Manager, P.O. Box 4748, Clearwater, FL 33756.	Engineering Department, 100 South Myrtle Avenue, Suite 220, Clearwater, FL 33756.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2021	125096
Georgia: Columbia.	Unincorporated areas of Columbia County (20–04–3795P).	The Honorable Douglas R. Duncan, Jr., Chairman, Columbia County Board of Commissioners, 630 Ronald Reagan Drive, Building B, Evans, GA 30809.	Columbia County Engineering Services Division, 630 Ronald Reagan Drive, Building A, Evans, GA 30809.	*https://msc.fema.gov/portal/advanceSearch.*	May 26, 2021	130059
North Carolina:						
Chatham	Unincorporated areas of Chatham County (20–04–3030P).	The Honorable Mike Dasher, Chairman, Board of County Commissioners, Chatham County, 2 East Street, Pittsboro, NC 27312.	Chatham County Planning Department, 80–A East Street, Pittsboro, NC, 27312.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 23, 2021	370299
Mecklenburg	City of Charlotte (20–04–3344P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County, Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28202.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 7, 2021	370159
Pennsylvania:						
Montgomery	Township of Upper Dublin (20–03–0912P).	Mr. Ira S. Tackel, President, Township of Upper Dublin Board of Commissioners, 801 Loch Alsh Avenue, Fort Washington, PA 19034.	Community Planning and Zoning Department, 801 Loch Alsh Avenue, Fort Washington, PA 19034.	*https://msc.fema.gov/portal/advanceSearch.*	May 24, 2021	420708
Montgomery	Township of Whitemarsh (20–03–0912P).	Ms. Laura Boyle-Nester, Chair, Township of Whitemarsh Board of Supervisors, 616 Germantown Pike, Lafayette Hill, PA 19444.	Township Hall, 616 Germantown Pike, Lafayette Hill, PA 19444.	*https://msc.fema.gov/portal/advanceSearch.*	May 24, 2021	420712
South Carolina:						
Berkeley	Town of Moncks Corner (20–04–4527P).	The Honorable Michael Lockliear, Mayor, Town of Moncks Corner, 118 Carolina Avenue, Moncks Corner, SC 29461.	Town Hall, 118 Carolina Avenue, Moncks Corner, SC 29461.	*https://msc.fema.gov/port*	Jun. 10, 2021	450031
Berkeley	Unincorporated areas of Berkeley County (20–04–4527P).	Mr. John Cribb, Berkeley County Supervisor, 1003 Highway 52, Moncks Corner, SC 29461.	Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC 29461.	*https://msc.fema.gov/port*	Jun. 10, 2021	450029
Charleston	Unincorporated areas of Charleston County (21–04–0473P).	The Honorable Teddie E. Pryor, Sr., Chairman, Charleston County Council, 2700 Crestline Drive, North Charleston, SC 29405.	Charleston County Building Inspections Department, 4045 Bridge View Drive, North Charleston, SC 29405.	*https://msc.fema.gov/port*	Jun. 14, 2021	455413
Texas:						
Bexar and Guadalupe.	City of Selma (20–06–1874P).	The Honorable Tom Daly, Mayor, City of Selma, 9375 Corporate Drive, Selma, TX 78154.	Geographic Information Systems (GIS) Department, 9375 Corporate Drive, Selma, TX 78154.	*https://msc.fema.gov/portal/advanceSearch.*	May 10, 2021	480046
Bexar	Unincorporated areas of Bexar County (20–06–1284P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	May 10, 2021	480035
Collin and Denton.	City of Celina (20–06–2234P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	*https://msc.fema.gov/portal/advanceSearch.*	May 17, 2021	480133
Collin	City of Princeton (20–06–2556P).	Mr. Derek Borg, City of Princeton Manager, 123 West Princeton Drive, Princeton, TX 75407.	City Hall, 123 West Princeton Drive, Princeton, TX 75407.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 30, 2021	480757
Collin	City of Sachse (20–06–2901P).	Ms. Gina Nash, City of Sachse Manager, 3815 Sachse Road, Building B, Sachse, TX 75048.	Engineering Department, 3815 Sachse Road, Building B, Sachse, TX 75048.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 4, 2021	480186

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Collin	City of Wylie (20–06–2901P).	The Honorable Matthew Porter, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	Engineering Department, 300 Country Club Road, Building 100, Wylie, TX 75098.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 4, 2021	480759
Collin and Denton.	Town of Prosper (20–06–1821P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Engineering Services Department, 250 West 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	May 24, 2021	480141
Collin	Town of Prosper (20–06–2234P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Engineering Services Department, 250 West 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	May 17, 2021	480141
Comal	Unincorporated areas of Comal County (20–06–1966P).	The Honorable Sherman Krause, Comal County Judge, 100 Main Plaza, New Braunfels, TX 78130.	Comal County Engineering Department, 195 David Jonas Drive, New Braunfels, TX 78132.	*https://msc.fema.gov/portal/advanceSearch.*	May 20, 2021	485463
Denton	Unincorporated areas of Denton County (20–06–1821P).	The Honorable Andy Eads, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	May 24, 2021	480774
Denton	Unincorporated areas of Denton County (20–06–2234P).	The Honorable Andy Eads, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	May 17, 2021	480774
Lubbock	City of Lubbock (20–06–2140P).	The Honorable Dan Pope, Mayor, City of Lubbock, P.O. Box 2000, Lubbock, TX 79457.	Engineering Department, 1314 Avenue K, 7th Floor, Lubbock, TX 79401.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 10, 2021	480452
Lubbock	Unincorporated areas of Lubbock County (20–06–2140P).	The Honorable Curtis Parrish, Lubbock County Judge, 904 Broadway Street, Suite 101, Lubbock, TX 79401.	Lubbock County Public Works Department, 904 Broadway Street, Lubbock, TX 79401.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 10, 2021	480915
Virginia: Loudoun	Unincorporated areas of Loudoun County (20–03–1253P).	Mr. Tim Hemstreet, Loudoun County Administrator, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Mapping and Geographic Information (GIS) Department, 1 Harrison Street Southeast, Leesburg, VA 20177.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 14, 2021	510090

[FR Doc. 2021–04979 Filed 3–9–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2116]

Changes in Flood Hazard Determinations

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

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472,

(202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa Unincorporated Areas of Maricopa County (21–09–0181X)..	The Honorable Jack Sellers, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 30, 2021	040037.	
Mohave	City of Bullhead City (20–09–0730P).	The Honorable Tom Brady, Mayor, City of Bullhead City, 2355 Trane Road, Bullhead City, AZ 86442.	Public Works Department, 2355 Trane Road, Bullhead City, AZ 86442.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 9, 2021	040125
California	Orange City of Huntington Beach (20–09–0545P).	The Honorable Lyn Semeta, Mayor, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648.	City Hall, 2000 Main Street, Huntington Beach, CA 92648.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2020	065034
Orange	Unincorporated Areas of Orange County (20–09–0545P).	The Honorable Michelle Steel, Chair, Board of Supervisors, Orange County, 333 West Santa Ana Boulevard, Santa Ana, CA 92701.	Orange County Flood Control Division, H.G. Osborne Building, 300 North Flower Street, 7th Floor, Santa Ana, CA 92703.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2020	060212
Sacramento	Unincorporated Areas of Sacramento County, (20–09–0760P).	The Honorable Phil Serna, Chairman, Board of Supervisors, Sacramento County, 700 H Street, Suite 2450, Sacramento, CA 95814.	Sacramento County, Department of Water Resources, 827 7th Street, Room 301, Sacramento, CA 95814.	*https://msc.fema.gov/portal/advanceSearch.*	May 11, 2021	060262
San Bernardino.	City of San Bernardino (20–09–1133P).	The Honorable John Valdivia, Mayor, City of San Bernardino, 290 North D Street, San Bernardino, CA 92401.	City Hall, 300 North D Street, San Bernardino, CA 92418.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 28, 2021	060281
San Bernardino.	Unincorporated Areas of San Bernardino County (20–09–1133P).	The Honorable Curt Hagman, Chairman, Board of Supervisors, San Bernardino County, 385 North Arrowhead Avenue, 5th Floor, San Bernardino, CA 92415.	San Bernardino County Public Works, Water Resources Department, 825 East 3rd Street, San Bernardino, CA 92415.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 28, 2021	060270
San Mateo County.	City of Belmont (20–09–1412P).	The Honorable Charles Stone, Mayor, City of Belmont, 1 Twin Pines Lane, Belmont, CA 94002.	Public Works Department, 1 Twin Pines Lane, Belmont, CA 94002.	*https://msc.fema.gov/portal/advanceSearch.*	May 20, 2021	065016
Illinois:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Cook	City of Markham (20–05–2119P).	The Honorable Roger A. Agpawa, Mayor, City of Markham, 16313 Kedzie Parkway, Markham, IL 60428.	City Hall, 16313 South Kedzie Parkway, Markham, IL 60428.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 16, 2021	175169
Cook	Unincorporated Areas of Cook County (20–05–2119P).	The Honorable Toni Preckwinkle, County Board President Cook County, 118 North Clark Street, Room 537, Chicago, IL 60602.	Cook County Building and Zoning Department, 69 West Washington, Suite 2830, Chicago, IL 60602.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 16, 2021	170054
DuPage	Village of Lisle (20–05–3529P).	The Honorable Christopher Pecak, Mayor, Village of Lisle, 925 Burlington Avenue, Lisle, IL 60532.	Village Hall, 925 Burlington Avenue, Lisle, IL 60532.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2021	170211
Will	City of Lockport (21–05–0834P).	The Honorable Steven Streit, Mayor, City of Lockport, 222 East 9th Street, Lockport, IL 60441.	Public Works and Engineering, 17112 South Prime Boulevard, Lockport, IL 60441.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 11, 2021	170703
Will	Unincorporated Areas of Will County (21–05–0834P).	The Honorable Jennifer Bertino-Tarrant, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 11, 2021	170695
Indiana: Marion	City of Indianapolis (20–05–3684P).	The Honorable Joe Hogsett, Mayor, City of Indianapolis, 200 East Washington Street, Suite 2501 Indianapolis, IN 46204.	City Hall, 1200 Madison Avenue, Suite 100, Indianapolis, IN 46225.	*https://msc.fema.gov/portal/advanceSearch.*	May 24, 2021	180159
Kansas:						
Leavenworth	City of Basehor (20–07–1131P).	The Honorable David Breuer, Mayor, City of Basehor, P.O. Box 406, Basehor, KS 66007.	City Hall, 2620 North 155th Street, Basehor, KS 66007.	*https://msc.fema.gov/portal/advanceSearch.*	May 12, 2021	200187
Leavenworth	Unincorporated Areas of Leavenworth County (20–07–1131P).	Mr. Doug Smith, Chairman, Board of County Commissioners Leavenworth County, 300 Walnut Street, Suite 225, Leavenworth, KS 66048.	Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, KS 66048.	*https://msc.fema.gov/portal/advanceSearch.*	May 12, 2021	200186
Michigan: Macomb	City of Fraser (20–05–3517P).	The Honorable Michael Carnagie, Mayor, City of Fraser, 33000 Garfield Road, Fraser, MI 48026.	City Hall, 33000 Garfield Road, Fraser, MI 48026.	*https://msc.fema.gov/portal/advanceSearch.*	May 28, 2021	260122
Missouri: Jasper	City of Joplin (20–07–1062P).	The Honorable Ryan Stanley, Mayor, City of Joplin, City Hall, 5th Floor, 602 South Main Street, Joplin, MO 64801.	City Hall, 602 South Main Street, Joplin, MO 64801.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 3, 2021	290183
Washington: Jefferson.	Unincorporated Areas of Jefferson County (20–10–1157P).	Ms. Kate Dean, County Commissioner, Jefferson County Board of County Commissioners, P.O. Box 1220, Port Townsend, WA 98368.	Jefferson County Department of Community Development, 621 Sheridan Street, Port Townsend, WA 98368.	*https://msc.fema.gov/portal/advanceSearch.*	May 11, 2021	530069
Wisconsin: Kenosha.	Village of Somers (17–05–6202P).	Mr. George Stoner, Board of Trustees President, Village of Somers, 7511 12th Street, Kenosha, WI 53171.	Village Hall, 7511 12th Street, Kenosha, WI 53144.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 14, 2021	550406

[FR Doc. 2021–04981 Filed 3–9–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031570; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Kentucky Museum, Western Kentucky University, Bowling Green, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kentucky Museum, Western Kentucky University, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an unassociated funerary object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to The Kentucky Museum, Western Kentucky University. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to The Kentucky Museum, Western Kentucky University at the address in this notice by April 9, 2021.

ADDRESSES: Sandy Staebell, Kentucky Museum, Western Kentucky University, 1906 College Heights Blvd., #11092, Bowling Green, KY 42101, telephone (270) 745–6260, email *sandy.staebell@wku.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Kentucky Museum, Western Kentucky University, Bowling Green, KY, that meets the definition of an unassociated funerary object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

At an unknown date, one cultural item was removed from a burial mound in Stewart County, TN, by the Bureau of American Ethnology. On June 14, 1927, the item was transferred to the U.S. National Museum. On May 2, 1939, the item was transferred to Western Kentucky State Teachers College. This unassociated funerary object is a hoe (Catalog #336976).

Although provenance information for this unassociated funerary object is extremely limited, the available documentary evidence assigns its excavation to a mound in Stewart County, TN. A relationship of shared group identity can reasonably be traced between the Muskogean linguistic cultures and this object based on evidence linking the Chickasaw people to the southeastern United States, including Tennessee, as documented in the Treaty of 1816.

Determinations Made by the Kentucky Museum, Western Kentucky University

Officials of The Kentucky Museum, Western Kentucky University have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the one cultural item described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary object and The Chickasaw Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Sandy Staebell, Kentucky Museum, Western Kentucky University, 1906 College Heights Blvd., #11092, Bowling Green, KY 42101, telephone (270) 745–6260, email *sandy.staebell@wku.edu,* by April 9, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to The Chickasaw Nation may proceed.

The Kentucky Museum, Western Kentucky University is responsible for notifying The Chickasaw Nation that this notice has been published.

Dated: February 25, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–04977 Filed 3–9–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–976 (Rescission)]

Certain Woven Textile Fabrics and Products Containing Same; Commission Decision Instituting a Rescission Proceeding and Granting a Petition for Rescission of a General Exclusion Order and Seizure and Forfeiture Orders; Termination of Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to institute a rescission proceeding in the above-captioned investigation and rescind the general exclusion order (''GEO'') and seizure and forfeiture orders (''SFOs'') previously issued in the investigation. The GEO and SFOs are hereby rescinded, and the rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 18, 2015, based on a supplemented and twice-amended complaint filed by AAVN, Inc. of Richardson, Texas (''AAVN''). 80 FR 79094 (Dec. 18, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19

U.S.C. 1337) (''section 337''), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain woven textile fabrics and products containing same, by reason of infringement of claims 1–7 of U.S. Patent No. 9,131,790 and/or by reason of false advertising. The notice of investigation named fifteen respondents. In the course of the investigation, fourteen of the named respondents were terminated from the investigation based upon settlement or entry of a consent order. *See* Order No. 21 at 2–3 (Nov. 10, 2016) (summarizing the procedural history of the investigation). The last remaining respondent was Pradip Overseas Ltd. of Ahmedabad, India (''Pradip''). The Office of Unfair Import Investigations (''OUII'') was also named as a party.

AAVN accused Pradip of false advertising, specifically alleging that Pradip misrepresented the thread count of sheets manufactured in India, imported into the United States, and sold in United States department stores. Second Am. Compl. ¶¶ 39–41, 80 (Nov. 12, 2015); *id.* at Ex. 46 (''800 Thread Count'' sheets measured at 252.7 threads). Although Pradip responded to the complaint, Pradip later terminated its relationship with its attorneys and represented that it would not participate in the remainder of the investigation. *See* Order No. 14 at 1 (Apr. 19, 2016); *see also* 19 CFR 210.17 (failure to act).

On September 2, 2016, AAVN moved for leave to file a motion for summary determination of violation. The summary determination motion that was appended argued, *inter alia,* that Pradip had violated section 337 by falsely advertising the thread count of its imported sheets and that the false advertising was deceptive, material, and injurious to AAVN. AAVN sought a GEO and a 100 percent bond during the period of Presidential review. *See* 19 U.S.C. 1337(d)(2), (j)(3). Pradip did not respond, allowing the ALJ to draw adverse inferences against Pradip. *See* 19 CFR 210.17(c). On November 10, 2016, the ALJ issued an initial determination (Order No. 21) granting the motion for summary determination. The ID finds that AAVN had shown a violation of section 337 by reason of false advertising under section 43 of the Lanham Act, 15 U.S.C. 1125(a)(1)(B). Order No. 21 at 7–9, 13–15. As to remedy, citing section 337(d)(2), 19 U.S.C. 1337(d)(2), which sets forth the test for issuance of a GEO, *id.* at 16, the ALJ found that ''the evidence shows a widespread pattern of violation of Section 337,'' *id.* at 17. The ALJ also found that ''the evidence shows that it is difficult to identify the source and manufacturers of the falsely advertised products,'' because ''U.S. retailers fail to identify the manufacturer, importer or seller of the textile products at the point of sale.'' *Id.* at 18. Nor do import records ''reveal the names of the original manufacturers of the materials used to construct the imported products.'' *Id.* Accordingly, the ALJ found ''that the evidence shows that it is difficult, if not impossible, to identify the sources of the falsely advertised goods.'' *Id.* Based on these findings the ALJ recommended the issuance of a GEO. *Id.*

On December 20, 2016, the Commission issued a notice of a determination not to review Order No. 21, resulting in a finding of a violation of section 337, and requesting written submissions on remedy, the public interest, and bonding. 81 FR 95195–96 (Dec. 27, 2016). On January 6, 2017, AAVN and OUII filed submissions on these issues. On January 13, 2017, OUII filed a reply to AAVN's submission. No other submissions were received.

On March 20, 2017, the Commission issued a GEO prohibiting the entry of certain woven textile fabrics and products containing same that are falsely advertised through a misrepresentation of thread count. 82 FR 15,067 (Mar. 24, 2017). The Commission found that the statutory requirements for relief under section 337(d)(2), 19 U.S.C. 1337(d)(2), were met and that the public interest factors enumerated in section 337(d)(1), 19 U.S.C. 1337(d)(1), did not preclude issuance of the statutory relief. 82 FR at 15068.

Subsequent to the issuance of the GEO, the Commission issued twelve SFOs pursuant to section 337(i)(1), 19 U.S.C. 1337(i)(1). *See* EDIS Doc. ID Nos.: 668965; 668969; 668972; 668977; 668980; 668982; 668984; 676164; 676169; 681551; 681554; and 728320.

On February 3, 2021, AAVN filed a petition to rescind the GEO and SFOs (''AAVN Pet.''). AAVN contends that it disagrees with the testing protocol used by Customs and Border Protection to determine whether imported articles falsely advertise their thread counts. AAVN Pet. at 2. In particular, AAVN contends that the methodology is too strict as compared to alleged testing conducted by independent testing laboratories. *Id.* at 2–3. AAVN further contends that the ''exclusion of goods, including from AAVN's licensees and customers, even after qualified independent testing labs have confirmed the accuracy of those authorized products' thread counts, harms AAVN's business and its standing with reputable importers.'' *Id.* at 3. AAVN recognizes that the GEO was originally issued to redress substantial injury to AAVN, 19 U.S.C. 1337(a)(1)(A), but states that ''AAVN is ultimately in the best position to evaluate injury to itself,'' and that rescission of the Commission remedial orders (the GEO and the SFOs issued pursuant to it) ''would be less injurious to [AAVN] than continued enforcement of the GEO.'' AAVN Pet. at 3. AAVN asserts that rescission of the GEO ''may in practice result in rescission of all SFOs in this Investigation,'' but that at least it seeks ''rescission of the December 17, 2020 SFO,'' EDIS Doc. ID 728320. AAVN Pet at 3 n.2. On February 16, 2021, the Office of Unfair Import Investigations (''OUII'') responded in opposition to the petition.

Having reviewed the petition, the opposition thereto, and the record of the investigation, the Commission has determined that the petition complies with Commission Rule 210.76, 19 CFR 210.76. The Commission has determined to institute a rescission proceeding and to grant the petition. Pursuant to section 337(k)(1), an exclusion order ''shall continue in effect until the Commission finds . . . that the conditions which led to such . . . order no longer exist.'' 19 U.S.C. 1337(k)(1); *see also* 19 CFR 210.76(a)(1). AAVN's petition alleges that the exclusion of articles pursuant to the GEO exacerbates rather than redresses any injury it faces from imports. Thus, the conditions that led to the issuance of the GEO no longer exist, and the Commission has determined to rescind the GEO. Because an SFO requires a predicate exclusion order, there is no basis to continue enforcement of SFOs after rescission of the underlying GEO. *See* 19 U.S.C. 1337(i)(B) (''the article was previously denied entry into the United States by reason of an order issued under subsection (d)''). Accordingly, all SFOs in this investigation are likewise rescinded. The rescissions are effective as of the date of the Order issued herewith.

The rescission proceeding is terminated. The GEO and all SFOs are rescinded.

The Commission vote for this determination took place on March 4, 2021.

The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 4, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–04923 Filed 3–9–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1254]

Certain Semiconductor Devices, Wireless Infrastructure Equipment Containing the Same, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 4, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Samsung Electronics Co., Ltd. of Korea and Samsung Austin Semiconductor, LLC of Austin, Texas. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, wireless infrastructure equipment containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,748,243 (''the '243 patent''); U.S. Patent No. 9,018,697 (''the '697 patent''); U.S. Patent No. 9,048,219 (''the '219 patent''); and U.S. Patent No. 9,761,719 (''the '719 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 4, 2021, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–4 and 6–20 of the '243 patent; claims 1–15 of the '697 patent; claims 1–3, 6–8, 10–14, 16, 19, 20, 23, 24, and 26–29 of the '219 patent; and claims 1, 5–11, 13, 15, and 18 of the '719 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''semiconductor devices, wireless infrastructure equipment containing the same, specifically base stations, modem units, boards, radio units, and digital units, as well as components thereof'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Samsung Electronics Co., Ltd., 129 Samsung ro (Maetan-dong), Yeongtong-gu Suwon-si, Gyeonggi-do 16677, Republic of Korea

Samsung Austin Semiconductor, LLC, 12100 Samsung Blvd., Austin, Texas 78754

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Ericsson AB, Torshamnsgatan 23, Kista, 16480 Stockholm, Sweden

Telefonaktiebolaget LM Ericsson, Torshamnsgatan 21, Kista, SE–164 83, Stockholm, Sweden

Ericsson Inc., 6300 Legacy Drive, Plano, TX 75024

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 4, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–04902 Filed 3–9–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Z-Wave Alliance, Inc.

Notice is hereby given that, on February 2, 2021, pursuant to Section

6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (the ''Act''), Z-Wave Alliance, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cherubini SPA, Bedizzole, ITALY; Devicebook Inc., Bellevue, WA; LINDSEY Technical Solutions, Lakewood Ranch, FL; RG Nets, Inc., Reno, NV; SHARP FUKUYAMA SEMICONDUCTOR CO., LTD., Fukuyama, JAPAN; Yas Electronics Systems, Sharjah, UNITED ARAB EMIRATES; ZTE Corporation, Guangdong, PEOPLE'S REPUBLIC OF CHINA; Vivint SmartHome, Provo, UT; SHENZHEN SEI ROBOTICS CO., LTD, Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Syslink Technology Co., Ltd., Bangkok, THAILAND; Daikin Airconditioning (Singapore) Pte Ltd, Singapore, SINGAPORE; and Eneco, Rotterdam, THE NETHERLANDS have been added as parties to this venture.

And an existing member's name was misspelled in the prior notice (85 FR 77241): Beaumotica, Breda, THE NETHERLANDS is the correct spelling for ''Beautmotica, Breda, THE NETHERLANDS.''

Also, Bridgetek Pte Ltd., Singapore, SINGAPORE; Tantiv4 Inc., Milpitas, CA; Chuango Security Technology Company Account, Fuzhou, PEOPLE'S REPUBLIC OF CHINA; Hank Electronics LTD., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; LinkedGo Technology Co. Ltd., Guangzhou, PEOPLE'S REPUBLIC OF CHINA; EnLife, Haapsalu, ESTONIA; Gadget Access Pty Ltd, New South Wales, AUSTRALIA; Mad Rooster Home Protection, Mercer, WI; Miguel Corporate Services Pte Ltd., Midview City, SINGAPORE; Modern System Concepts, Inc., Houston, TX; Rejoin Telematics AB, Orebro, SWEDEN; Resilient Smart Home Communications LLC, Dallas, TX; Rigionn, Singapore, SINGAPORE; Smart Things Electronics SRL, Ilfov, ROMANIA; Alfred Smart Systems, S.L., Barcelona, SPAIN; Ei Electronics, County Clare, IRELAND; Sheenway Asia Limited, Kowloon, HONG KONG; and Quby B.V., Amsterdam, THE NETHERLANDS have withdrawn from this venture.

And IOn Technologies, Jacksonville, FL was mistakenly identified in the prior notice (85 FR 77241) and is not a party to this venture.

No other changes have been made in the membership or the planned activity of this venture. Membership in this venture remains open, and Z-Wave Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On November 19, 2020, Z-Wave Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 1, 2020 (85 FR 77241).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04976 Filed 3–9–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Dynamic Spectrum Alliance, Inc.

Notice is hereby given that, on February 10, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Dynamic Spectrum Alliance, Inc. (''DSA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Council for Scientific and Industrial Research (CSIR), Pretoria, SOUTH AFRICA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSA intends to file additional written notifications disclosing all changes in membership.

On September 1, 2020, DSA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 18, 2020 (85 FR 58390).

The last notification was filed with the Department on November 23, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 30, 2020 (85 FR 76604).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04963 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group On Particle Sensor Performance and Durability

Notice is hereby given that, on February 16, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Particle Sensor Performance and Durability (''PSPD–II'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Denso Corporation, Southfield, MI, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PSPD–II intends to file additional written notifications disclosing all changes in membership.

On March 15, 2017, PSPD–II filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 14, 2017 (82 FR 18012).

The last notification was filed with the Department on May 11, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 19, 2020 (85 FR 29977).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04972 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Evangelical Community Hospital, et ano. Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the Middle District of Pennsylvania in *United States of America* v. *Evangelical Community Hospital and Geisinger Health,* Civil Action No. 4:20–cv–01383–MWB. On August 5, 2020, the United States filed a Complaint alleging that Geisinger's partial acquisition of Evangelical would violate Section 1 of the Sherman Act, 15 U.S.C. 1 and Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment requires Geisinger and Evangelical to amend the transaction to cap Geisinger's ownership interest in Evangelical at a 7.5% passive interest and to eliminate additional entanglements between the two competing hospitals.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's website at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the Middle District of Pennsylvania. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's website, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be submitted in English and directed to Eric D. Welsh, Chief, Healthcare and Consumer Products Section, Antitrust Division, Department of Justice, 450 Fifth Street NW, Suite 4100, Washington, DC 20530.

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

United States District Court for the Middle District of Pennsylvania

United States of America, Plaintiff, V. *Geisinger Health, and Evangelical Community Hospital, Defendants.*

Civil Action No.:

Complaint

The United States of America brings this civil antitrust action to enjoin Geisinger Health's partial acquisition of Evangelical Community Hospital. Defendants' agreement creates substantial financial entanglements between these close competitors and reduces both hospitals' incentives to compete aggressively. As a result, this transaction is likely to substantially lessen competition and unreasonably restrain trade, resulting in harm to patients in the form of higher prices, lower quality, and reduced access to high-quality inpatient hospital services in central Pennsylvania.

I. Introduction

1. Geisinger and Evangelical are, respectively, the largest health system and largest independent community hospital in a six-county region in central Pennsylvania. For many patients in this region, Geisinger and Evangelical are close substitutes for the provision of inpatient general acute-care services. As the CEO of Evangelical explained in an interview describing the transaction with Geisinger, ''if you don't get your care here [at Evangelical], you get it there [at Geisinger].''

2. Geisinger competes for virtually all of the services that Evangelical provides, with Geisinger also offering some high-end, specialized services that Evangelical does not offer. This competition between Geisinger and Evangelical has improved the quality, availability, and price of inpatient general acute-care services in the region.

3. In late 2017, Evangelical announced to Geisinger and other industry participants that it was considering selling itself or entering into a strategic partnership with another hospital system or healthcare entity. This announcement raised concerns for Geisinger, which had long feared that Evangelical could partner with a hospital system or insurer to compete even more intensely with Geisinger. A more effective competitor could put Geisinger's revenues at risk.

4. In an effort to forestall that outcome and eliminate existing competition from Evangelical, Geisinger sought to acquire Evangelical in its entirety, making a bid for its rival that was substantially larger than any comparable offer. During negotiations, however, both Geisinger and Evangelical recognized that a merger between the two hospitals would likely be blocked on antitrust grounds. So instead, Defendants tried a strategy to avoid antitrust scrutiny.

5. On February 1, 2019, Defendants agreed to a partial acquisition—self-styled as a ''Collaboration Agreement.'' As part of this agreement, Geisinger acquired a 30% interest in Evangelical. In exchange, Geisinger pledged to provide $100 million to Evangelical for investment projects and intellectual property licensing.

6. The $100 million pledge, however, was not made altruistically and is certainly not without strings. The partial-acquisition agreement ties Geisinger and Evangelical together in a number of ways, fundamentally altering their relationship as competitors and curtailing their incentives to compete independently for patients. Patients and other purchasers of healthcare in central Pennsylvania likely will be harmed as a result of this diminished competition.

II. Jurisdiction and Venue

7. This Court has subject-matter jurisdiction under Section 4 of the Sherman Act, 15 U.S.C. 4, Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337, and 1345.

8. Defendants are engaged in activities that substantially affect interstate commerce. Defendants provide healthcare services for which employers, insurers, and individual patients remit payments across state lines. Defendants also purchase supplies and equipment that are shipped across state lines, and they otherwise participate in interstate commerce.

9. Venue is proper under Section 12 of the Clayton Act, 15 U.S.C. 22, and under 28 U.S.C. 1391(b) and (c).

10. This Court has personal jurisdiction over each Defendant. Geisinger and Evangelical are both incorporated in the Commonwealth of Pennsylvania with their principal place of business located in the Middle District of Pennsylvania.

III. Defendants and the Agreement

11. Geisinger Health is an integrated healthcare provider of hospital and physician services. Geisinger operates 12 hospitals in Pennsylvania and New Jersey and owns physician practices throughout Pennsylvania, with a significant presence in the central and northeastern portions of the state. Geisinger also operates urgent-care centers and other outpatient facilities in Pennsylvania and New Jersey. As of April 2020, the Geisinger system employed approximately 32,000 employees, including 1,800 physicians.

12. Geisinger's flagship hospital, Geisinger Medical Center, is located in Danville, Pennsylvania, and is licensed to accommodate 574 overnight patients. Geisinger operates three other hospitals in the area: Geisinger Shamokin (70 beds), Geisinger Jersey Shore (25 beds),

and Geisinger Bloomsburg (76 beds). In addition, Geisinger operates several urgent-care centers and other outpatient facilities within the area.

13. Geisinger also operates Geisinger Health Plan, an insurance company that sells commercial health insurance, Medicare, and Medicaid products. Geisinger Health Plan has approximately 600,000 members.

14. Geisinger has a history of acquiring community hospitals in Pennsylvania. From 2012 to 2017, Geisinger acquired six hospitals in Pennsylvania. Three of the four hospitals that Geisinger owns in the area, Shamokin, Jersey Shore, and Bloomsburg, were formerly independent hospitals, and two of those hospitals were the subject of previous antitrust challenges.

15. Evangelical Community Hospital is an independent community hospital in Lewisburg, Pennsylvania. The hospital is licensed to accommodate 132 overnight patients. As of December 2018, Evangelical employed approximately 1,800 individuals and had 170 physicians on staff. Evangelical also owns a number of physician practices in central Pennsylvania and operates an urgent-care center and several other outpatient facilities.

A. Defendants Are Close Competitors in Central Pennsylvania

16. Geisinger and Evangelical both provide inpatient general acute-care services to patients in central Pennsylvania and together provide care for the vast majority of patients living in Danville and Lewisburg, Pennsylvania, and the surrounding communities.

17. Defendants are particularly close competitors in the six-county area in central Pennsylvania comprised of Union, Snyder, Northumberland, Montour, Lycoming, and Columbia counties.

18. This six-county area has benefitted from competition between Geisinger and Evangelical. Geisinger and Evangelical are each other's closest competitor for many services and compete on dimensions that include quality, scope of services, and price. According to a Geisinger Health Plan executive, Geisinger and Evangelical ''care for the same people and populations.'' Geisinger and Evangelical recognize that they compete closely to provide inpatient general acute-care services, which include orthopedics, women's health, cardiac, and general surgery services. Geisinger and Evangelical also recognize that they compete to win patients at the expense of the other.

19. The competition between Geisinger and Evangelical to attract patients is reflected in their plans for capital investments. When planning for the future, competition between Geisinger and Evangelical affects the capital investments each chooses to make. For example, in 2016, when Evangelical's CEO was explaining to the hospital's board why she recommended constructing a new orthopedic facility, she said that Evangelical was ''vulnerable to GMC [Geisinger Medical Center] in orthopedics.'' Similarly, in considering capital expenditures for certain improvements to its facilities in 2018, Geisinger cited Evangelical's competitive activities.

20. Geisinger and Evangelical also compete against each other in their negotiations with insurers. For example, insurers have used Evangelical's lower prices for inpatient general acute-care services to negotiate lower prices for those services from Geisinger.

21. Geisinger and Evangelical also have engaged in direct price competition for members of several religious communities that include Amish and Mennonite practitioners, who Defendants refer to as the ''Plain Community.'' Members of the Plain Community generally pay their medical bills directly and do not rely on any form of health insurance. In 2018, for example, an Evangelical physician obtained, and circulated to Evangelical executives, Geisinger's then-current Plain Community discount program. After learning about Geisinger's newly lowered prices, Evangelical lowered its prices in response, and Evangelical's CFO sent a letter to members of the Plain Community with the new pricing ''[s]o that they would know that our rates were lower.'' Evangelical's CEO observed that Plain Community business ''has recently become more competitive as Geisinger has significantly reduced its prices,'' prompting Evangelical ''to reduce its prices to the Plain Community in order to remain competitive.''

B. Recognizing That a Full Merger Would Create an Illegal ''Monopoly,'' Geisinger Proposed a Partial Acquisition That Would Increase Coordination

22. As early as 2016, Geisinger had identified that ''[a]lignment'' with Evangelical would provide it with ''[d]efensive positioning against expansion by [UPMC] and/or affiliation with [another] competitor.'' When Geisinger learned that Evangelical had engaged in a process to find a strategic partner or acquirer, Geisinger was concerned that Evangelical would partner with a different hospital system.

23. Geisinger would have strongly preferred to fully acquire Evangelical and initially submitted a bid for a full acquisition, as it has done in the past with other community hospitals. Given the competition described above, however, Defendants quickly recognized that a full acquisition would likely violate the antitrust laws. Evangelical's CEO explained in a video interview that ''the state and federal government looks at these kinds of things for antitrust . . . and you can't create a monopoly. And so you know the reality of it is even if they wanted to, Geisinger would not have been able to acquire us.'' Geisinger's documents similarly note that a full acquisition of Evangelical ''[p]resented serious anti-trust concerns.''

24. Instead of a full merger, Geisinger and Evangelical concocted the complicated partial-acquisition agreement at issue in this case, in part, to avoid antitrust scrutiny. After the letter of intent for the agreement was signed, for example, a senior employee at Geisinger wrote that the agreement was ''[k]inda smart really'' because it ''[d]oes not require AG [Attorney General] approval.'' Nevertheless, the Antitrust Division learned of the agreement and opened an antitrust investigation shortly after the agreement was executed.

25. Initially, Defendants' partial-acquisition agreement was replete with provisions evidencing Geisinger's intent to substantially limit competition by controlling its close competitor and replacing competition with ''cooperation'' (as would occur in a full merger), such as Geisinger's right to appoint six members to the Evangelical board of directors, the potential for Geisinger to fund revenue lost by Evangelical, proposed joint ventures in areas where Defendants historically competed, and Geisinger's right to have a say in who would be Evangelical's Chief Executive Officer. As a senior Geisinger employee testified, ''one of Geisinger's objectives was to integrate . . . to the fullest extent possible.''

26. Defendants twice amended their partial-acquisition agreement in response to some of Plaintiff's concerns. Nevertheless, the provisions of the transaction illuminate Geisinger's motivation for doing this deal, which survives despite these amendments. More importantly, the anticompetitive effects of the agreement also survive. The amendments simply do not rectify the fundamental problems with the agreement: Geisinger has acquired a significant ownership interest in its close competitor and imposed significant entanglements between the

two, likely leading to an impermissible substantial lessening of competition between Geisinger and Evangelical.

27. As with a full merger, this partial-acquisition transaction would lessen competition between Geisinger and Evangelical as they cooperate and look for ''wins'' for both firms. As Evangelical's CEO described in an interview discussing the deal, ''there's an economic principle called co-opetition. And you can cooperate, and you can compete. And as long as both sides find wins, it works.'' Such statements are predictive of how these close competitors are likely to behave if this transaction is allowed to proceed: They will coordinate their activity to ''find wins'' at the expense of robust competition. Consumers will be on the losing end of this bargain as prices increase and access to high-quality services is diminished.

C. The Transaction Is Likely to Substantially Lessen Competition Between Geisinger and Evangelical

28. Defendants' transaction links Geisinger and Evangelical together in a number of ways that fundamentally alter the relationship between them, reducing their incentives to attract all patients away from each other by competing on the quality, scope, and availability of inpatient general acute-care services. The agreement also is likely to lead Geisinger to raise prices to commercial insurers and other purchasers of inpatient general acute-care services, resulting in harm to the consumer.

29. *Financial entanglement.* Under the agreement, Geisinger has acquired a 30% interest in Evangelical, its close rival. In exchange, Geisinger has committed to pay $100 million to Evangelical over the next several years and is poised to remain a critical source of funding to Evangelical for the foreseeable future. The $100 million consists of $90 million in cash—$88 million of which is earmarked for specified projects approved by Geisinger and $2 million of which is for unspecified projects that Geisinger must approve—and $10 million in attributed value for intellectual property that Geisinger would license to Evangelical.

30. These financial arrangements establish an indefinite partnership between Evangelical and Geisinger. As a senior Geisinger employee put it, through this investment, Evangelical is ''tied to us'' so ''they don't go to a competitor.'' As a result, Evangelical is likely to avoid competing to enhance the quality or scope of the services it offers, which would attract patients from Geisinger, its part owner.

31. This financial entanglement also reduces Geisinger's incentives to compete by investing in improvements that would attract patients from Evangelical. If Geisinger expands its services or improves the quality of its services in areas in which it competes with Evangelical, it would attract patients at Evangelical's expense, reducing the value of Geisinger's 30% interest in Evangelical.

32. Thus, as a result of this transaction, both Defendants have the incentive to pull their competitive punches—incentives that would not exist in the absence of the agreement.

33. *Improper influence.* The agreement also gives Geisinger influence over Evangelical, including over its ability to partner with others in the future. The agreement gives Geisinger rights of first offer and first refusal with respect to any future joint venture, competitively significant asset sale, or change-of-control transaction by Evangelical, which ensures that Geisinger will have the opportunity to interfere if Evangelical attempts to enter into any of these transactions with a healthcare entity other than Geisinger. These rights deter collaborations between Evangelical and other entities that compete with Geisinger because Geisinger is given advance notice and is able to delay or prevent the collaboration. Such collaborations are and have been an important dimension of quality competition among hospitals. For example, if Evangelical wanted to enter into a joint venture with a health system to enhance its cardiology services to better compete against Geisinger, Geisinger would receive advance notice and could exercise its rights of first offer or first refusal to attempt to prevent this competition.

34. Geisinger can also improperly influence Evangelical through its right to approve Evangelical's use of funds. The agreement allocates funds to Evangelical for specific projects or service-line initiatives in specified amounts (*e.g.,* $20 million for women's health initiatives), including $2 million for ''other mutually agreeable Strategic Project Investment projects.'' In addition, if Evangelical wants to spend any funds originating from Geisinger for purposes other than those described in the agreement, it needs Geisinger's approval. The transaction affords Geisinger the right to withhold that approval if it believes that the project would enable Evangelical to compete in a way that Geisinger does not like.

35. *Less independent expansion and more anticompetitive cooperation.* For years, Evangelical has independently expanded in a number of service lines that compete for patients against service lines offered by Geisinger. The agreement, however, lessens Evangelical's incentives to expand because it likely will not want to bite the hand that feeds it by disrupting its relationship with Geisinger. Evangelical instead may seek to cooperate with Geisinger, effectively agreeing not to compete. For example, after the transaction with Geisinger, an Evangelical executive deleted recommendations to independently expand Evangelical's orthopedic offerings from a draft of Evangelical's three-year strategic plan and instead focused on Evangelical's partnership with Geisinger in this area. Orthopedics is a service line in which Evangelical historically has competed closely with Geisinger, to the benefit of patients who need orthopedic care. Even though Defendants claim to have abandoned the joint venture involving orthopedic services that was originally described in the partial-acquisition agreement, if this transaction is not rescinded or enjoined, they are more likely to avoid competition with each other as a result of their financial and other entanglements.

36. *Sharing of competitively sensitive information.* Further facilitating coordination, the transaction provides the means for Geisinger and Evangelical to share competitively sensitive information by enabling ongoing interactions between them. For example, the agreement provides the opportunity and means for Defendants to share competitively sensitive information when Evangelical requests that Geisinger disburse funds for strategic projects under the agreement because the agreement requires that these requests be ''supported by appropriate business plans.'' This request necessarily would require sharing competitively sensitive information.

37. The transaction also requires Evangelical to inform Geisinger about any strategic partnerships, joint ventures, or other major transactions with other hospital systems before those transactions are executed. In addition, Geisinger's approval rights over certain Evangelical capital improvements provide additional opportunities for Defendants to inappropriately share competitively sensitive information. These requirements will give Geisinger advance notice of its competitor's strategic moves and will facilitate discussions between Geisinger and Evangelical about Evangelical's strategic plans.

38. Evangelical has publicly stated that it already has cooperative

relationships with Geisinger, which increases the likelihood that Defendants will share such competitively sensitive information. In fact, Defendants have already shared important competitive information as part of the agreement. In discussions regarding joint ventures, Evangelical's CEO sent her counterpart at Geisinger a document that detailed her thinking on Evangelical's strategic growth options. The transaction continues to contemplate joint ventures between the Defendants, and the inappropriate sharing of competitively sensitive information is likely to continue.

39. *Increased prices.* The transaction also creates incentives for Geisinger to raise prices to commercial insurers and other purchasers of inpatient general-acute care services. Because Geisinger now owns 30% of Evangelical, it benefits when patients choose Evangelical instead of Geisinger because the value of its ownership interest in Evangelical increases. This ability to partially recover the value of lost patients through its ownership of Evangelical gives Geisinger greater bargaining leverage in negotiations with insurers and the ability to set higher prices for patients who lack insurance.

D. Defendants Have a History of Picking and Choosing When To Compete With Each Other, Which This Partial Acquisition Will Exacerbate, Deepening Coordination at the Expense of Competition

40. Although Geisinger and Evangelical are competitors for patients in central Pennsylvania, they have previously engaged in coordinated behavior, picking and choosing when to compete and when not to compete. This tendency to coordinate their competitive behavior is reflected by Evangelical's CEO's view of ''co-opetition.''

41. Defendants' prior acts of coordination, which are beneficial only to themselves, reinforce their dominant position for inpatient general acute-care services in central Pennsylvania. Defendants' coordination comes at the expense of greater competition and has taken various forms:

- Leaders from Defendants have had ''regular touch base meetings,'' in which they discussed a variety of topics, including strategic growth options.
- Geisinger has shared with Evangelical the terms of its loan forgiveness agreement, which Geisinger uses as an important tool to recruit physicians.
- Geisinger and Evangelical established a co-branded urgent-care center in Lewisburg that included a non-compete clause. As Evangelical's head of marketing explained to the board, the venture allowed Evangelical ''to build volume to our urgent care with Geisinger as a partner rather than potentially as a competitor.''

42. More concerning, senior executives of Defendants entered into an agreement not to recruit each other's employees—a so-called no-poach agreement. Defendants' no-poach agreement—an agreement between competitors, reached through verbal exchanges and confirmed by email from senior executives—reduces competition between them to hire hospital personnel and therefore directly harms healthcare workers seeking competitive pay and working conditions. Defendants have monitored each other's compliance with this unlawful agreement, and deviations have been called out in an effort to enforce compliance. For example, after learning that nurses at Evangelical were being recruited by Geisinger via Facebook, the CEO of Evangelical wrote to her counterpart at Geisinger, asking: ''Can you please ask that this stop[?] Very counter to what we are trying to accomplish.'' After receiving the message, the Geisinger executive forwarded the email to Geisinger's Vice President of Talent Acquisition, instructing her to ''ask your staff to stop this activity with Evangelical.'' Defendants' no-poach agreement works to insulate Defendants' businesses from competition for healthcare professionals.

43. This history of coordination between Defendants increases the risk that the additional entanglements created by the partial-acquisition agreement will lead Geisinger and Evangelical to coordinate even more closely at the expense of consumers when it is beneficial for them to do so. Moreover, this history makes clear that Defendants' self-serving representations about their intent to continue to compete going forward—despite all of the entanglements created by the partial-acquisition agreement—cannot be trusted.

IV. The Relevant Market

A. Inpatient General Acute-Care Services are a Relevant Product Market

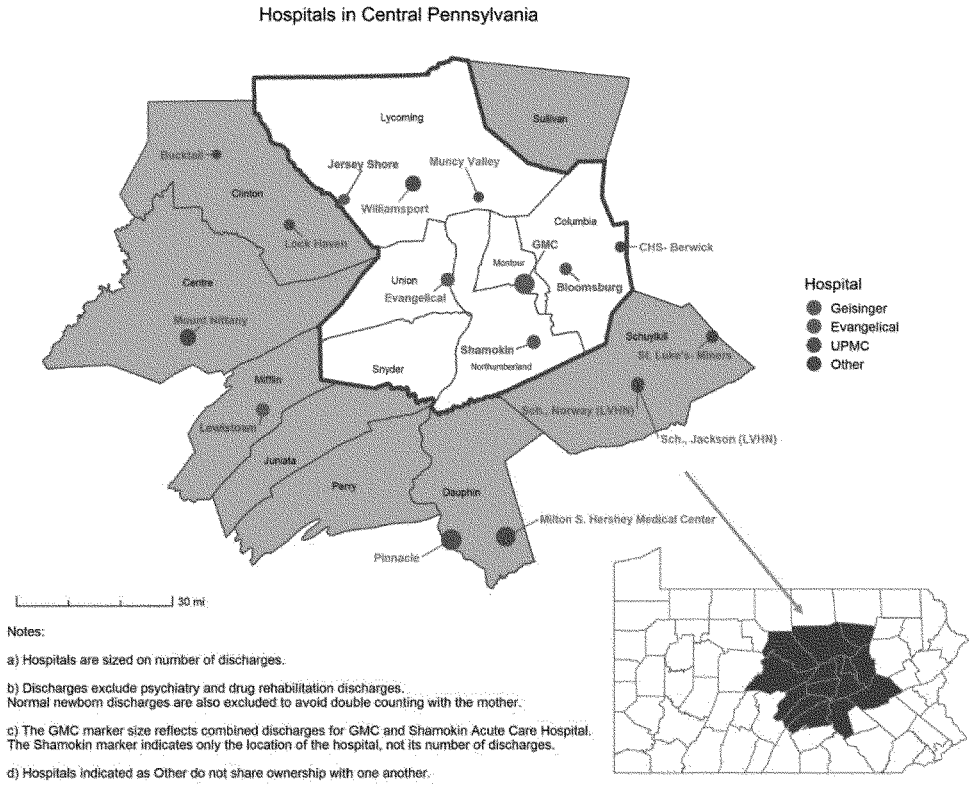
44. A relevant product market in which to analyze the effects of the partial-acquisition agreement is the sale of inpatient general acute-care services. This product market encompasses a broad cluster of inpatient medical and surgical diagnostic and treatment services offered by both Geisinger and Evangelical that require an overnight hospital stay, including many orthopedic, cardiovascular, women's health, and general surgical services.

45. It is appropriate to evaluate the agreement's likely effects across the cluster of inpatient general acute-care services. These specific services are not substitutes for each other (*e.g.,* obstetrics care is not a substitute for hip replacement surgery), but it is appropriate to consider them within one relevant product market because the services are offered to patients under similar competitive conditions by similar market participants. There are no practical substitutes for this cluster of inpatient general acute-care services.

46. The relevant market excludes outpatient services and specialized services that are offered by Geisinger but not Evangelical because these services are offered under different competitive conditions than inpatient general acute-care services. Outpatient services are services that generally do not require an overnight hospital stay, and some outpatient services are provided in settings other than hospitals. Health plans and the vast majority of patients who use inpatient general acute-care services would not switch to outpatient services in response to a price increase. Similarly, the relevant market excludes the more specialized services that are offered by Geisinger but not Evangelical, such as certain advanced cancer services and organ transplants. These services treat medical conditions that require more specialized medical training or equipment, so patients have a different set of competitive options for them.

B. The Six-County Area in Central Pennsylvania is a Relevant Geographic Market

47. The relevant geographic market is no larger than the six-county area that comprises the Pennsylvania counties of Union, Snyder, Northumberland, Montour, Lycoming, and Columbia (the ''six-county area''). This area encompasses the cities of Danville and Lewisburg, where Geisinger Medical Center and Evangelical are respectively located. The hospitals are approximately 17 miles apart. The map below illustrates the relevant geographic market and the locations of the hospitals in it.



48. The Horizontal Merger Guidelines (''Merger Guidelines'') issued by the U.S. Department of Justice and Federal Trade Commission set forth the relevant test for geographic market definition: Whether a hypothetical monopolist of the relevant services within the geographic area could profitably impose a small but significant and non-transitory increase in price (here, reimbursement rates for inpatient general acute-care services). If so, the boundaries of that geographic area are an appropriate geographic market.

49. In this case, a hypothetical monopolist of inpatient general acute-care services within the six-county area could profitably impose a small but significant and non-transitory increase in the price of inpatient general acute-care services for at least one hospital in the six-county area. In general, patients choose to seek care close to their homes or workplaces, and residents of the six-county area also prefer to obtain inpatient general acute-care services locally. Thus, the availability of these services outside of the six-county area is not sufficient to prevent a hypothetical monopolist from profitably imposing a price increase.

50. In addition, health plans that offer healthcare networks in the six-county area do not consider hospitals outside of that area to be reasonable substitutes in their networks for hospitals within that area. Because residents of the six-county area strongly prefer to obtain inpatient general acute-care services from within the six-county area, a health plan that did not have hospitals in the six-county area likely could not successfully market a network to employers and patients in the area. Thus, a health plan would not exclude from its network a hypothetical monopolist of all inpatient general acute-care services in the six-county area in response to a small but significant price increase.

V. Anticompetitive Effects

A. The Market for Inpatient General Acute-Care Services in Central Pennsylvania is Highly Concentrated

51. Market concentration is one useful indicator of the level of competitive vigor in a market and of the likely competitive effects of a transaction involving competitors. The more concentrated a market, and the more a transaction would increase concentration in a market, the more likely it is that a transaction—even a partial acquisition—will result in a meaningful reduction in competition.

52. Geisinger currently accounts for approximately 55% of inpatient general acute-care services provided in the six-county area. Evangelical accounts for approximately 17% of that market. Defendants together thus account for approximately 71% of the relevant market. Defendants' internal documents report shares that are consistent with these shares for inpatient general acute-care services in general and for many service lines. The other competitor of significance in the six-county area is the University of Pittsburgh Medical Center (''UPMC''), which operates two hospitals in Williamsport and Muncy. UPMC also used to operate a hospital in Sunbury, but that hospital permanently closed on March 31, 2020.

53. The shares of total discharges of patients receiving inpatient general acute-care services from hospitals in the six-county area between the fourth quarter of 2018 and third quarter of 2019 are shown in the table below. These shares likely understate the Defendants' current shares because they include discharges from UPMC's Sunbury hospital, which has now closed, and some patients who would have used Sunbury are likely to choose Defendants' hospitals instead.

Hospital system	Share (%)
Geisinger	54.6
Evangelical	16.7
UPMC	26.7
Community Health System	2.0

54. As these shares illustrate, the relevant market is highly concentrated. The Merger Guidelines measure market concentration by using the Herfindahl-Hirschman Index (''HHI''), which is calculated by summing the square of

individual firms' market shares. Under the Merger Guidelines, a market is considered to be highly concentrated if the HHI is above 2,500. Defendants' partial-acquisition agreement would operate in a market that is already highly concentrated, with an HHI of 3,979.

55. Under the Merger Guidelines, a merger that significantly increases concentration in a highly concentrated market is presumed to be unlawful. A full merger between Geisinger and Evangelical would trigger the presumption of illegality under the Merger Guidelines by a wide margin, resulting in a post-merger HHI of 5,799 and an increase of 1,820. A partial acquisition that creates the incentive and ability for two close competitors to coordinate in such a highly concentrated market poses a similar danger to consumers.

B. The Partial Acquisition Will Diminish Evangelical's and Geisinger's Incentives To Compete Against Each Other for Patients

56. Geisinger is by far the largest health system in the six-county region and within central Pennsylvania. It already enjoys a competitive advantage over its smaller competitors. By allowing Geisinger to partially acquire Evangelical and creating substantial entanglements between the two hospitals, the agreement will likely substantially lessen competition as Evangelical will have less incentive to compete for patients against the Geisinger behemoth—its financial partner—than it would have had it remained independent and not partnered with its closest competitor.

57. Similarly, the transaction reduces Geisinger's incentives to compete for patients against Evangelical. Any patient that Geisinger attracts from Evangelical will diminish the value of Geisinger's interest in Evangelical, and Geisinger will also benefit from increasing coordination with its close rival.

58. Competition between hospitals like Geisinger and Evangelical benefits patients in a number of ways, including by providing convenient access to high quality services. Hospitals also compete to be included in health insurers' networks.

59. Hospitals compete to attract patients to their facilities by offering high quality care, a broad scope of services, amenities, convenience, customer service, and attention to patient satisfaction. To provide these services, hospitals expand service lines, hire specialists, family care physicians, and nurses, purchase modern equipment and technology, open specialized facilities, and continuously make other improvements. These investments improve access to healthcare, lower wait times, and improve the quality of care for all patients, including Medicare, Medicaid, and uninsured patients.

60. Anticompetitive effects arising out of this transaction are likely to occur from the combination of Geisinger's influence over Evangelical, Defendants' reduced incentives to expand and improve services, and the facilitation of information sharing and coordination between Geisinger and Evangelical. These anticompetitive effects are likely to lead to a reduction in the quality, scope, and availability of inpatient general acute-care services.

C. The Partial Acquisition Is Also Likely To Lead to Increased Health Insurance Prices

61. Hospitals compete for patients not only through the quality of the services they offer, but also through participation in health insurers' networks. Hospitals and insurers negotiate prices (called reimbursement rates) as part of their negotiations about whether, and under what conditions, a hospital will be included in an insurer's network. The bargaining positions of a hospital and an insurer during these negotiations depend on whether there are other nearby, comparable hospitals that are available to the insurer. Competition among hospitals limits any individual hospital's leverage with insurers and enables insurers to negotiate lower reimbursement rates and other terms that reduce healthcare costs. Less costly care benefits patients and their employers in the form of lower premiums, copays, and deductibles.

62. Even if Geisinger and Evangelical continue to negotiate separately with commercial health insurers, the partial-acquisition agreement creates incentives for Geisinger to increase its rates and enhances its ability to do so. Geisinger's incentive to raise its rates flows from its 30% interest in Evangelical. Before the partial acquisition, Geisinger did not benefit from patients going to Evangelical. With the agreement, Geisinger's 30% ownership of Evangelical now allows Geisinger to benefit when patients choose Evangelical because the value of Geisinger's ownership interest increases as a result of the profits that Evangelical earns. This dynamic gives Geisinger an incentive to raise its reimbursement rates to commercial insurers because the agreement increases Geisinger's bargaining leverage, allowing it to profitably impose a price increase. The agreement will thus result in higher healthcare costs for consumers.

63. Similarly, Geisinger's 30% interest in Evangelical reduces its incentive to compete aggressively with Evangelical on prices to the Plain Community. In the six-county area, hospitals compete directly on discounted prices offered to the Plain Community. Members of the Plain Community usually do not have commercial insurance and pay for medical services out of pocket. With the partial acquisition, if Geisinger raises prices to Plain Community members and some of those members choose Evangelical instead as a result, Geisinger still captures 30% of the value of the profits generated from the patients who chose Evangelical. In addition, the entanglements between Geisinger and Evangelical are likely to cause Evangelical to avoid directly competing against Geisinger on the prices it offers to the Plain Community, resulting in higher prices for those patients.

VI. Absence of Countervailing Factors

64. Geisinger's acquisition of a 30% stake in its close competitor is not reasonably necessary to achieve any of the benefits that Defendants tout in connection with this transaction. For example, Defendants claim the partial-acquisition agreement will improve Evangelical's electronic medical records system. But Evangelical could have licensed Geisinger's electronic medical records software without this transaction, and Defendants were in discussions to do so long before this transaction was under consideration.

65. Evangelical also could have obtained funds for capital improvements from sources other than Geisinger, its closest competitor. At the time Evangelical executed the agreement with Geisinger, it was in a strong financial position, had been profitable for the last five years, and already had decided that it had the financial wherewithal to move forward on the major capital improvement project that now has been funded in part by its competitor and partial owner.

66. Finally, Evangelical's placement in the most favored tier of Geisinger Health Plan's commercial insurance products does not require the partial-acquisition agreement. To the contrary, agreements between hospitals and insurers that offer favorable placement in commercial insurance products in exchange for favorable rates are common and do not require the entanglements created by the partial-acquisition agreement.

67. For these reasons, there are no transaction-specific efficiencies that outweigh the likely competitive harms

of the proposed transaction; indeed, there are no transaction-specific efficiencies to weigh against the harm.

68. In addition, entry or expansion into the relevant market is unlikely to eliminate the anticompetitive effects of the partial-acquisition agreement because entry and expansion are not likely to be timely, likely, or sufficient to offset the agreement's anticompetitive effects. The construction of a new hospital that offers inpatient general acute-care services would require significant time, expenditures, and risk. Moreover, the six-county area is unlikely to attract greenfield entry by a new hospital due to declining demand for inpatient general acute-care services and low population growth. Indeed, no new hospitals have been built in the six-county area for more than 10 years, and UPMC's Sunbury hospital closed in March 2020.

69. Enjoining the partial-acquisition will not require undue disruption of Defendants' businesses. Geisinger and Evangelical have not implemented many of the provisions of the agreement because, on October 1, 2019, they entered into a hold-separate agreement with the United States to maintain the status quo pending an investigation of the agreement by the Antitrust Division. The hold-separate agreement requires Geisinger and Evangelical to cease certain activities contemplated by the agreement, including making most expenditures, integrating IT systems, and planning joint ventures. The hold-separate agreement remains in force until this Court makes a final decision.

VII. Violations Alleged

Count I

(Section 1 of the Sherman Act)

70. Plaintiff alleges and incorporates paragraphs 1 through 69 of this complaint as if set forth fully herein.

71. Geisinger and Evangelical have market power in the sale of inpatient general acute-care services in the six-county area.

72. The partial-acquisition agreement is an agreement between Defendants to unreasonably restrain trade. The partial-acquisition agreement is a contract, combination, or conspiracy within the meaning of Section 1 of the Sherman Act, 15 U.S.C. 1.

Count II

(Section 7 of the Clayton Act)

73. Plaintiff alleges and incorporates paragraphs 1 through 72 of this complaint as if set forth fully herein.

74. The partial-acquisition agreement likely substantially lessens competition in the relevant geographic market for inpatient general acute-care services in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

75. Among other things, the partial-acquisition agreement has and is likely to continue to cause Defendants:

(a) To coordinate their competitive behavior with respect to inpatient general acute-care services;

(b) to increase their prices for inpatient general acute-care services to insurers, self-paying patients, and other purchasers of healthcare; and

(c) to reduce quality, service, and investment with respect to inpatient general acute-care services or to diminish future improvements in these areas.

VIII. Request for Relief

76. Plaintiff requests that:

(a) The agreement between Geisinger and Evangelical be adjudged to violate Section 1 of the Sherman Act, 15 U.S.C. 1, and Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) the Court order (i) Defendants to rescind or be enjoined permanently from carrying out the subject agreement; (ii) Geisinger to divest to Evangelical its 30% ownership interest in Evangelical; and (iii) Defendants be permanently enjoined and restrained from carrying out any other transaction that would allow Geisinger to partially acquire Evangelical;

(c) Plaintiff be awarded the costs of this action; and

(d) Plaintiff be awarded any other relief that the Court deems just and proper.

Dated: August 5, 2020

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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Principal Deputy Assistant Attorney General.

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United States District Court for the Middle District of Pennsylvania

United States of America, Plaintiff, vs. *Evangelical Community Hospital and Geisinger Health,* Defendants.

Civil Action No.: 4:20–cv–01383–MWB

[Proposed] Final Judgment

Whereas, Plaintiff, United States of America, filed its Complaint on August 5, 2020, the United States and Defendants, Geisinger Health and Evangelical Community Hospital, by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law, and without Defendants admitting liability, wrongdoing, or the truth of any allegations in the Complaint;

And whereas, Defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the purpose of the proposed Final Judgment is to preserve competition for hospital services in central Pennsylvania and to ensure Evangelical and Geisinger remain independent competitors;

And whereas, Defendants agree to undertake certain actions and refrain from certain conduct for the purpose of remedying the anticompetitive effects of the Collaboration Agreement, as alleged in the Complaint.

Now therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is *ordered, adjudged, and decreed:*

I. Jurisdiction

The Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against Defendants under Section 7 of the Clayton Act, 15 U.S.C. 18 and Section 1 of the Sherman Act, 15 U.S.C. 1.

II. Definitions

A. ''Amended and Restated Collaboration Agreement'' means the ''Amended and Restated Collaboration Agreement'' entered into by Geisinger and Evangelical on February 18, 2021.

B. ''Back Office Systems'' means the following computer systems and their functional substitutes: Spok/WebXchange (electronic phonebook); Digital Control Systems/Micros (food services registers); Lawson Accounts Payable; Lawson Activities Mgmt (project accounting and activities-based costing); Lawson Asset Mgmt (depreciation and reporting requirements); Lawson General Ledger; Allscripts (data transfer); and Axiom.

C. ''Collaboration Agreement'' means the document titled ''Collaboration Agreement'' entered into by Evangelical and Geisinger on February 1, 2019.

D. ''Covered Person'' means (i) each employee or agent of each Defendant who has duties and responsibilities for overseeing the implementation of information technology systems that Geisinger may provide to Evangelical under Paragraph V.B. of this Final Judgment; (ii) the Chief Executive Officers of Defendants and each of their direct reports; and (iii) each director (including each member of the Boards of Directors) of each Defendant.

E. ''Defendants'' means Geisinger and Evangelical.

F. ''Epic'' means Epic Systems Corporation, a medical software company based in Verona, Wisconsin.

G. ''Evangelical'' means Defendant Evangelical Community Hospital, a non-profit community hospital located in Lewisburg, Pennsylvania, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

H. ''Existing Financial Payment'' means the combined payments of twenty million, three hundred thirty-four thousand twenty-three dollars ($20,334,023.00) paid by Geisinger to Evangelical, directly or indirectly.

I. ''Executive Leadership Personnel'' means any President, Chief Executive Officer, Chief Financial Officer, Chief Information Officer, Chief Operating Officer, Chief Strategy Officer, Chief Nursing Officer, Chief Human Resources Officer, Controller, Director, Executive Vice President, Vice President, and any other person with any direct or indirect input, influence, or control over any strategic or competitive decision.

J. ''Geisinger'' means Defendant Geisinger Health, a regional non-profit corporation with its headquarters in Danville, Pennsylvania, its successors and assigns, and its subsidiaries, including Geisinger Health Plan, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

K. ''Including'' means including but not limited to.

L. ''Miller Center Joint Venture'' means the Miller Center for Recreation and Wellness, a Pennsylvania non-profit corporation operating a recreation and wellness center in Lewisburg, Pennsylvania.

M. ''Ownership Interest'' means the seven-and-one-half percent (7.5%) ownership interest in Evangelical that Evangelical transferred to Geisinger in exchange for the Existing Financial Payment, based on Evangelical's valuation as of January 25, 2021.

N. ''Person'' means any natural person, trade association, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, office, or other business or legal entity, whether private or governmental.

O. ''Pre-Existing Joint Ventures'' means the Keystone Accountable Care Organization, LLC, an organization of doctors, hospitals, and other healthcare providers that provides coordinated care to Medicare patients and Evangelical-Geisinger, LLC, the joint venture between Evangelical and Geisinger to provide student health services to Bucknell University.

III. Applicability

This Final Judgment applies to Defendants, as defined above, and all other Persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV. Prohibited Conduct

A. The Collaboration Agreement and all amendments, modifications, addenda or supplements, are null and void, with the exception of the Amended and Restated Collaboration Agreement.

B. Geisinger must not, directly or indirectly:

1. Appoint any directors to the Board of Directors of Evangelical;

2. make any financial contribution, payment, or commitment to Evangelical that would result in Geisinger obtaining any equity interest in Evangelical in excess of the Ownership Interest;

3. make any loan or extend any line of credit to Evangelical;

4. maintain or obtain any management, leadership, committee, board or other position at or with Evangelical that provides Geisinger with any direct or indirect input, influence, or control over any strategic or competitive decision to be made by Evangelical, except for any such positions within Pre-Existing Joint Ventures or the Miller Center Joint Venture;

5. maintain or obtain any right of first offer or right of first refusal with respect to any proposal or offer involving Evangelical, including offers or proposals to acquire, affiliate or enter into a joint venture with Evangelical, or otherwise influence or seek to influence any decision to be made by Evangelical with respect to any proposal or offer involving Evangelical and any other party;

6. approve, reject or otherwise influence Evangelical's use of any funds or provide a guaranty to Evangelical against any financial losses that Evangelical may incur; or

7. license to Evangelical any information technology system owned, used, or licensed by Geisinger, without the prior written consent of the United States, in its sole discretion.

C. Evangelical must not, directly or indirectly, appoint any directors to the Board of Directors of Geisinger, including to the Board of Directors of Geisinger Health Plan.

D. Except for the verification of dates of employment and the checking of references for new hires, Defendants must not consult with, provide advice to, or seek to influence, directly or indirectly, each other regarding the decision to appoint or employ any Executive Leadership Personnel, except for such positions within Pre-Existing Joint Ventures or the Miller Center Joint Venture.

E. Defendants must not enter into a joint venture unless the United States, in its sole discretion, has consented in writing. Defendants must not renew, extend, or amend the term of the Miller Center Joint Venture unless the United States, in its sole discretion, has consented in writing. Defendants may renew or extend the term of a Pre-Existing Joint Venture, but may not amend a Pre-Existing Joint Venture unless the United States, in its sole discretion, has consented in writing.

F. Defendants must not amend, supplement, terminate, or modify the Amended and Restated Collaboration Agreement, or any portion of it, without the prior written consent of the United States, in its sole discretion. Defendants must provide at least sixty (60) days written notice to the United States of any intent to enter into or execute any amendment, supplement, or

modification to the Amended and Restated Collaboration Agreement.

G. Defendants must not provide each other with non-public information, including any non-public financial information of either Defendant or information about any strategic projects under consideration by either Defendant; provided however that nothing herein will be construed to prevent Geisinger and Evangelical from disclosing to each other non-public information necessary for the care and treatment of patients or as required for the payment for the care and treatment of patients.

V. Permitted Conduct

A. Evangelical must not use the Existing Financial Payment for any purpose other than the following permitted uses:

1. Assisting Evangelical's PRIME patient room improvement project (approximately $17 million); and

2. sponsoring the Miller Center Joint Venture (approximately $3.3 million).

B. Notwithstanding Paragraph IV.B.7. above, Geisinger may provide Evangelical with information technology systems and support under the following terms and conditions:

1. Geisinger may provide to Evangelical Geisinger's electronic medical record systems (Epic and related embedded clinical systems), including a license to the embedded Geisinger intellectual property, at a cost of no less than 15% of the incremental increase in cost to Geisinger resulting from Evangelical's use of these same systems;

2. Geisinger may provide Evangelical with electronic medical record systems support for the systems identified in Paragraph V.B.1. at a cost of no less than 15% of the incremental increase in cost to Geisinger for the support for these same systems; and

3. Geisinger may provide additional Back Office Systems to Evangelical at commercially reasonable rates.

VI. Required Conduct

A. Within ten (10) days of entry of this Final Judgment, each Defendant must appoint an Antitrust Compliance Officer and identify to the United States the Antitrust Compliance Officer's name, business address, telephone number, and email address. Within forty-five (45) days of a vacancy in a Defendant's Antitrust Compliance Officer position, that Defendant must appoint a replacement, and must identify to the United States the replacement Antitrust Compliance Officer's name, business address, telephone number, and email address. A Defendant's initial or replacement appointment of an Antitrust Compliance Officer is subject to the approval of the United States in its sole discretion.

B. Each Antitrust Compliance Officer must:

1. Within thirty (30) days of entry of this Final Judgment, furnish a copy of this Final Judgment and the Competitive Impact Statement to all Covered Persons;

2. within thirty (30) days after entry of this Final Judgment, in a form and manner to be approved by the United States in its sole discretion, provide all Covered Persons with reasonable notice of the meaning and requirements of this Final Judgment and the antitrust laws;

3. annually train all Covered Persons on the meaning and requirements of this Final Judgment and the antitrust laws;

4. brief and distribute a copy of this Final Judgment and the Competitive Impact Statement to any person who succeeds to a position of a Covered Person within thirty (30) days of such succession;

5. obtain from each Covered Person, within thirty (30) days of that person's receipt of this Final Judgment, a certification that he or she (i) has read and, to the best of his or her ability, understands and agrees to abide by the terms of this Final Judgment; (ii) is not aware of any violation of this Final Judgment that has not been reported to the relevant Defendant's Antitrust Compliance Officer; and (iii) understands that any person's failure to comply with this Final Judgment may result in an enforcement action for civil or criminal contempt of court against any Defendant and/or any person who violates this Final Judgment;

6. maintain a record of certifications received pursuant to this Section;

7. annually communicate to all Covered Persons and all other employees that they must disclose to the Antitrust Compliance Officer, without reprisal, information concerning any potential violation of this Final Judgment or the antitrust laws; and

8. by not later than ninety (90) calendar days after entry of this Final Judgment and annually thereafter, file written reports with the United States affirming that Defendant is in compliance with its obligations under Section VI of this Final Judgment, including the training requirements under Paragraph VI.B.3.

C. Immediately upon the Antitrust Compliance Officer's learning of any violation or potential violation of any of the terms of this Final Judgment, a Defendant must take appropriate action to investigate and, in the event of a violation, must cease or modify the activity so as to comply with this Final Judgment. Each Defendant must maintain all documents related to any potential violation of this Final Judgment for the term of this Final Judgment.

D. Within thirty (30) calendar days of the Antitrust Compliance Officer's learning of any potential violation of any of the terms of this Final Judgment, a Defendant must file with the United States a statement describing the potential violation, including a description of (1) any communications constituting the potential violation, the date and place of the communication, the persons involved in the communication, and the subject matter of the communication; and (2) all steps taken by the Defendant to remedy the potential violation.

E. Each Defendant must have its CEO or Chief Financial Officer and its General Counsel certify in writing to the United States, no later than ninety (90) calendar days after this Final Judgment is entered and then annually on the anniversary of the date of the entry of this Final Judgment, that the Defendant has complied with the provisions of this Final Judgment. The United States, in its sole discretion, may approve different signatories for the certification.

VII. Firewall

A. Defendants must implement and maintain reasonable procedures to prevent competitively sensitive information from being disclosed, by or through implementation and execution of the obligations in this Final Judgment or the Amended and Restated Collaboration Agreement or through Geisinger's provision of information technology systems and support to Evangelical as permitted in Paragraph V.B., between or among employees of Geisinger and Evangelical.

B. Defendants must, within forty-five (45) business days of the entry of the Stipulation and Order, submit to the United States a document setting forth in detail the procedures implemented to effect compliance with this Section VII. Upon receipt of the document, the United States will inform Defendants within thirty (30) business days whether, in its sole discretion, it approves of or rejects Defendants' compliance plan. Within ten (10) business days of receiving a notice of rejection, Defendants must submit a revised compliance plan. The United States may request that this Court determine whether Defendants' proposed compliance plan fulfills the requirements of this Section VII.

VIII. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Stipulation and Order, or of determining whether this Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time, authorized representatives of the United States, including agents and consultants retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendants, be permitted:

(1) Access during Defendants' office hours to inspect and copy, or at the option of the United States, to require Defendants to provide electronic copies, of all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of Defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, Defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews will be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports or responses to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in Section VIII will be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time that Defendants furnish information or documents to the United States, Defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure,'' then the United States shall give Defendants ten (10) calendar days' notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

IX. Notifications

For purposes of this Final Judgment, any notice or other communication required to be provided to the United States shall be sent to the person at the address set forth below (or such other addresses as the United States may specify in writing to Defendants): Chief, Office of Decree Enforcement and Compliance, U.S. Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Room 3207, Washington, DC 20530, Email: *ODEC@usdoj.gov.*

X. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XI. Enforcement of Final Judgment

A. The United States retains and reserves all rights to enforce the provisions of this Final Judgment, including the right to seek an order of contempt from the Court. Defendants agree that in any civil contempt action, any motion to show cause, or any similar action brought by the United States regarding an alleged violation of this Final Judgment, the United States may establish a violation of the decree and the appropriateness of any remedy therefore by a preponderance of the evidence, and Defendants waive any argument that a different standard of proof should apply.

B. The Final Judgment should be interpreted to give full effect to the procompetitive purposes of the antitrust laws and to restore all competition harmed by the challenged conduct. Defendants agree that they may be held in contempt of, and that the Court may enforce, any provision of this Final Judgment that, as interpreted by the Court in light of these procompetitive principles and applying ordinary tools of interpretation, is stated specifically and in reasonable detail, whether or not it is clear and unambiguous on its face. In any such interpretation, the terms of this Final Judgment should not be construed against either party as the drafter.

C. In any enforcement proceeding in which the Court finds that Defendants have violated this Final Judgment, the United States may apply to the Court for a one-time extension of this Final Judgment, together with such other relief as may be appropriate. In connection with any successful effort by the United States to enforce this Final Judgment against a Defendant, whether litigated or resolved prior to litigation, that Defendant agrees to reimburse the United States for the fees and expenses of its attorneys, as well as any other costs including experts' fees, incurred in connection with that enforcement effort, including in the investigation of the potential violation.

XII. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten (10) years from the date of its entry, except that after five (5) years from the date of its entry, this Final Judgment may be terminated upon notice by the United States to the Court and Defendants that the continuation of this Final Judgment is no longer necessary or in the public interest.

XIII. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, any comments thereon, and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and responses to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: _____

[Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16]

_____

United States District Judge

United States District Court for the Middle District of Pennsylvania

United States Of America, Plaintiff, vs. *Evangelical Community Hospital, and Geisinger Health,* Defendants.

Civil Action No.: 4:20–cv–01383–MWB

Competitive Impact Statement

The United States of America, under Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the ''APPA'' or ''Tunney Act''), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

Defendant Geisinger Health (''Geisinger'') and Defendant Evangelical Community Hospital (''Evangelical'') entered into a partial-acquisition agreement (the ''Collaboration Agreement'') dated February 1, 2019, pursuant to which Geisinger would, among other things, acquire 30% of Evangelical. The United States filed a civil antitrust Complaint on August 5, 2020, seeking to rescind and enjoin the Collaboration Agreement. The Complaint alleged that the likely effect of Geisinger's partial acquisition of Evangelical would be to substantially lessen competition and unreasonably restrain trade in the market for the provision of inpatient general acute-care services in a six-county region in central Pennsylvania, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, and Section 7 of the Clayton Act, 15 U.S.C. 18.

Before Defendants responded to the Complaint, the United States filed a Stipulation and Order and proposed Final Judgment, which are designed to remedy the loss of competition alleged in the Complaint. Under the proposed Final Judgment, which is explained more fully below, Geisinger is required to cap its ownership interest in Evangelical at 7.5%, and Defendants are required to eliminate other entanglements between them that would allow Geisinger to influence Evangelical. Defendants are also each required to establish robust antitrust compliance programs.

The United States and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of Events Giving Rise to the Alleged Violation

A. Defendants

Geisinger is a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its headquarters in Danville, Pennsylvania. Geisinger is a regional healthcare provider of hospital and physician services that operates twelve hospitals and owns physician practices throughout central Pennsylvania. It also operates a health insurance company, Geisinger Health Plan, which offers commercial health insurance, Medicare, and Medicaid products. Geisinger's annual revenue in 2019 was approximately $7.1 billion.

Evangelical is a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its headquarters in Lewisburg, Pennsylvania. Evangelical operates a 132-bed independent community hospital, owns a number of physician practices, and operates an urgent-care center and several other outpatient facilities in central Pennsylvania. Evangelical's annual revenue in 2019 was approximately $259 million.

B. The Collaboration Agreement

On February 1, 2019, Geisinger and Evangelical entered into the Collaboration Agreement, pursuant to which Evangelical agreed to give Geisinger a 30% ownership interest. In exchange, Geisinger agreed to pay $100 million to Evangelical over the next several years for, among other things, Geisinger-approved investment projects, future investment projects that Geisinger had the right to approve, and intellectual property licensing.

Furthermore, Geisinger's contemplated investment in Evangelical would not have been passive: The Collaboration Agreement created additional entanglements between these two competitors and provided Geisinger with opportunities to influence Evangelical. For example, the Collaboration Agreement gave Geisinger rights of first offer and first refusal with respect to any future joint venture, competitively significant asset sale, or change-of-control transaction by Evangelical. It also gave Geisinger the right to approve Evangelical's use of certain funds provided by Geisinger. Additionally, the Collaboration Agreement provided mechanisms for Geisinger and Evangelical to share competitively sensitive information, such as requiring Evangelical to disclose business plans when requesting disbursement of certain funds and requiring Evangelical to inform Geisinger about planned transactions with other hospital systems before any such transactions were executed.

The Collaboration Agreement originally included other provisions granting Geisinger additional influence over Evangelical, which Defendants eliminated through several amendments during the course of the United States' investigation but before the United States filed its Complaint. For example, the Collaboration Agreement originally included provisions that gave Geisinger the right to appoint six individuals to Evangelical's board of directors as well as certain consultation rights on the appointment of Evangelical's chief executive officer. It also contained provisions that required Defendants to discuss and work toward joint ventures in service lines where they have historically competed, such as women's health and musculoskeletal care, and also required Geisinger to compensate Evangelical for certain financial losses.

C. Anticompetitive Effects of the Partial Acquisition

Defendants are two of the largest hospitals in a six-county region in central Pennsylvania. The vast majority of consumers of inpatient general acute-care services in and around Danville and Lewisburg, Pennsylvania, rely on Geisinger and Evangelical for their care. Together, the two hospitals account for approximately 71% of this six-county market and are each other's closest competitors for many services. Geisinger and Evangelical compete head-to-head for patients—including through investment in high-quality facilities and services, in negotiations with insurers, and through discounts to uninsured patients—and consumers have benefited from this competition through increased quality of care, broader availability, and lower costs.

As alleged in the Complaint, the partial acquisition of Evangelical by Geisinger resulting from the Collaboration Agreement would have created significant entanglements between Defendants, likely leading to increased coordination between them, higher prices, lower quality, and reduced access to inpatient general acute-care services in central Pennsylvania.

1. The Relevant Market

As alleged in the Complaint, the provision of inpatient general acute-care services is a relevant product market. Inpatient general acute-care services encompass a broad cluster of inpatient medical and surgical diagnostic and treatment services that require an overnight hospital stay, including many orthopedic, cardiovascular, women's health, and general surgical services. The relevant market excludes outpatient services, which generally do not require an overnight hospital stay and are provided in settings other than hospitals. The vast majority of patients who use inpatient general acute-care services would not switch to outpatient services in response to a price increase. The relevant market also excludes more specialized services, such as advanced cancer services and organ transplants, which Evangelical does not offer.

As alleged in the Complaint, the relevant geographic market for the sale of inpatient general acute-care services

is no larger than the six-county area that comprises the Pennsylvania counties of Union, Snyder, Northumberland, Montour, Lycoming, and Columbia. This area includes the cities of Danville and Lewisburg, where Geisinger Medical Center and Evangelical are respectively located. In general, patients choose to seek medical care close to their homes or workplaces, and residents of the six-county area alleged in the Complaint also generally prefer to obtain inpatient general acute-care services locally. As a result, health insurers that offer healthcare networks in the six-county area generally do not consider hospitals outside of that area to be reasonable substitutes in their networks for hospitals within that area. Because residents in the six-county area strongly prefer to obtain inpatient general acute-care services from within the six-county area, a health plan that did not have hospitals within the six-county area likely could not successfully attract employers and patients in the area.

2. The Effects of the Collaboration Agreement on Competition

Geisinger and Evangelical are, respectively, the largest health system and largest independent community hospital in a six-county region in central Pennsylvania. For many patients in this region, Geisinger and Evangelical are close substitutes for the provision of inpatient general acute-care services

Robust competition between hospitals is important to American consumers. Hospitals such as Geisinger and Evangelical compete to be included in health insurers' networks and to attract patients by offering high-quality care, lower prices, and increased access to services. Geisinger and Evangelical, like other hospitals, also compete to provide superior amenities, convenience, customer service, and attention to patient satisfaction and wellness. The Collaboration Agreement would negatively impact all of those facets of competition to the detriment of consumers in central Pennsylvania.

a. The Collaboration Agreement Would Create Financial Entanglements Between Defendants

Under the Collaboration Agreement, Geisinger would have acquired a 30% interest in Evangelical, its close rival. In exchange, Geisinger committed to pay $100 million to Evangelical over the next several years and would have remained a critical source of funding to Evangelical for the foreseeable future. This arrangement would establish an indefinite partnership between Evangelical and Geisinger, fundamentally altering their relationship as competitors and curtailing their incentives to compete independently for patients. As a result, Evangelical would be likely to avoid competing to enhance the quality or scope of the services it offers because they would attract patients from Geisinger, its part owner. It would also reduce Geisinger's incentives to compete by investing in improvements that would attract patients from Evangelical. For example, if Geisinger were to expand its offerings or improve the quality of its services in areas in which it competes with Evangelical, it would attract patients at Evangelical's expense, reducing the value of Geisinger's 30% interest in Evangelical. As a result of the partial acquisition, both Defendants would have an incentive to pull their competitive punches.

If implemented, the Collaboration Agreement would also likely lead to Geisinger raising prices to commercial insurers and other purchasers of inpatient general acute-care services, resulting in harm to consumers. Before the partial acquisition, in the event of a contracting disagreement with an insurer, Geisinger risked losing patients to Evangelical, and this risk of loss disciplined the pricing that Geisinger negotiated with insurers. The same disciplining effect would occur when Geisinger raised prices to uninsured patients: In response to a price increase, Geisinger risked the uninsured patient moving to Evangelical for care, a result which would keep Geisinger from raising price. After it secured a 30% ownership interest in Evangelical, Geisinger would benefit to some degree when patients choose Evangelical over Geisinger for inpatient general acute-care services, since greater profits for Evangelical would increase the value of Geisinger's ownership interest in Evangelical. This ability to recapture a significant portion of the value of lost patients through its ownership of Evangelical would give Geisinger increased market power to charge higher prices to uninsured patients and greater bargaining leverage in negotiations over reimbursement rates with insurers. Insurers who pay higher reimbursement rates to Geisinger would pass along higher healthcare costs to consumers.

b. The Collaboration Agreement Would Give Geisinger Undue Influence Over Evangelical

The Collaboration Agreement would give Geisinger the ability to influence and exert control over Evangelical and how Evangelical competes in central Pennsylvania. In addition to the influence gained by virtue of Geisinger's $100 million investment and 30% ownership interest in Evangelical, the Collaboration Agreement would give Geisinger influence over Evangelical's ability to partner with others in the future. Geisinger would have rights of first offer and first refusal with respect to several types of transactions that Evangelical may wish to pursue, including any future joint venture between Evangelical and another entity, any competitively significant asset sale by Evangelical, and any transaction involving a change-of-control of Evangelical. These provisions would provide Geisinger with advance notice of Evangelical's competitive plans and the opportunity to interfere with Evangelical's ability to engage in such transactions, and thus deter potentially procompetitive collaborations between Evangelical and other healthcare entities that compete with Geisinger—arrangements that could otherwise benefit patients and the community.

The Collaboration Agreement would also enable Geisinger to influence Evangelical through Geisinger's right to approve or deny Evangelical's use of certain funds provided by Geisinger, as Geisinger could withhold that approval if the expenditure threatened Geisinger's business. The Collaboration Agreement also included other entanglements, such as providing Evangelical with perpetual licenses to Geisinger's IT systems at no cost to Evangelical and proposing joint ventures in service lines such as women's health and musculoskeletal care, where Geisinger and Evangelical have historically competed. Maintaining these entanglements would reduce the incentives for Geisinger and Evangelical to compete aggressively on the quality, scope, and availability of inpatient general acute-care services.

c. The Collaboration Agreement Would Enable the Sharing of Competitively Sensitive Information

The Collaboration Agreement also provided the means and opportunity for Defendants to share competitively sensitive information. Under its terms, Evangelical was required to inform Geisinger about partnerships, joint ventures, and transactions with other healthcare entities before those transactions were executed so that Geisinger would have the opportunity to invoke its rights of first refusal or first offer. The Collaboration Agreement further required that, when Evangelical requested that Geisinger disburse funds from its $100 million commitment for strategic projects, Evangelical would be required to provide Geisinger with

supporting business plans, and Geisinger could grant or withhold approval for certain capital projects. These requirements would enable Geisinger to secure important forward-looking information about Evangelical's plans to compete with Geisinger. Requiring Evangelical to give Geisinger a preview of its future competitive endeavors would likely soften competition between Geisinger and Evangelical, diminish Evangelical's incentives to innovate and expand, and impede Evangelical's ability to enter into strategic alliances with others to compete with Geisinger in the future.

d. Entry or Expansion Is Difficult

Entry of new competitors or expansion of existing competitors is unlikely to prevent or remedy the anticompetitive effects of the Transaction. The construction of a new hospital that offers inpatient general acute-care services in the relevant geographic market would require significant time, expenditures, and risk. In the six-county region where Defendants compete, no new hospitals have been built for more than ten years, and one closed in March 2020. Entry by a new hospital in the relevant market is unlikely due to declining demand for inpatient general acute-care services and low population growth.

III. Explanation of the Proposed Final Judgment

The purpose of the proposed Final Judgment is to remedy the loss of competition alleged in the Complaint and to ensure Evangelical and Geisinger remain independent competitors. The relief required by the proposed Final Judgment will remedy the loss of competition alleged in the Complaint by ensuring that Evangelical remains an independent competitor in the market for inpatient general acute-care services in central Pennsylvania. The proposed Final Judgment will restore competition by: (1) Capping Geisinger's ownership interest in Evangelical; (2) preventing Geisinger from exerting control or influence over Evangelical; and (3) prohibiting Geisinger and Evangelical from sharing competitively sensitive information—all of which will restore Defendants' incentives to compete with each other on quality, access, and price. At the same time, the proposed Final Judgment permits Evangelical to use Geisinger's passive investment for specific projects that will benefit patients and the community. Finally, Defendants are required to institute antitrust compliance programs.

A. Reduction of Ownership Interest and Investment

First and foremost, the proposed Final Judgment caps Geisinger's ownership interest in Evangelical to a 7.5% passive investment. Paragraph IV.A. renders the Collaboration Agreement, including its provision for Geisinger to obtain a 30% ownership interest in Evangelical, null and void. In its place, Defendants have entered into an Amended and Restated Collaboration Agreement that is consistent with the terms of the proposed Final Judgment. Paragraph IV.B.2. prohibits Geisinger from increasing its ownership interest in Evangelical above the 7.5% cap that was obtained in exchange for the approximately $20.3 million already paid by Geisinger to Evangelical, and Paragraph IV.B.3. prohibits Geisinger from making any loan or providing any line of credit to Evangelical. Paragraph V.A. of the proposed Final Judgment permits Evangelical to use the $20.3 million it has already received from Geisinger only for two specified projects, improving Evangelical's patient rooms and sponsoring a local center for recreation and wellness. Under Paragraph IV.F., Defendants may not amend the Amended and Restated Collaboration Agreement without the consent of the United States.

In addition, by limiting Geisinger's ownership interest in Evangelical and prohibiting Geisinger from making any loans to Evangelical, Paragraphs IV.B.2. and IV.B.3. of the proposed Final Judgment restore Geisinger's incentives to compete on price in negotiations with commercial insurers. Limiting the ownership interest and prohibiting loans substantially reduces any bargaining leverage Geisinger would gain from recapturing the profits from any patients lost to Evangelical. Similarly, these provisions preserve Defendants' incentives to compete aggressively with each other as they have in the past for the business of uninsured consumers.

As applied to the facts alleged in the Complaint, the limitations imposed on Geisinger's ownership interest and investment in Evangelical—along with the removal of significant entanglements between the Defendants discussed below—render Geisinger's interest passive, eliminate mechanisms for Geisinger to influence its smaller competitor, and restore the incentives of both hospitals to continue to compete with one another to provide inpatient general acute-care services for the benefit of patients and health insurers. Following entry of the proposed Final Judgment, Geisinger will not be in a position to prevent other healthcare entities from acquiring or partnering with Evangelical, and Geisinger's limited investment will benefit patients and the community by partially financing Evangelical's modernization of its patient rooms and providing funding for wellness and recreation at the Miller Center.

B. Prohibitions Against Geisinger's Influence and Control Over Evangelical

The Collaboration Agreement contained numerous provisions that gave Geisinger the ability to influence and control its close competitor, Evangelical, through management positions and other means. For example, as originally crafted, the Collaboration Agreement gave Geisinger the right to appoint six members to Evangelical's board of directors. The proposed Final Judgment prohibits attempts to reinstate such provisions during the ten-year term of the proposed Final Judgment in order to prevent Geisinger from exerting influence or control over Evangelical in the future.

Paragraphs IV.B.1. and IV.C. of the proposed Final Judgment, respectively, prevent Geisinger from appointing any directors to Evangelical's board of directors and prevent Evangelical from appointing any directors to the board of directors of Geisinger or Geisinger Health Plan. Paragraph IV.B.4. prevents Geisinger from obtaining any management or leadership position with Evangelical that would provide Geisinger with the ability to influence the strategic or competitive decision-making at Evangelical. Paragraph IV.D. prevents Defendants from consulting with each other regarding decisions to employ individuals in executive-level positions. These provisions in the proposed Final Judgment prevent Geisinger from exercising influence over Evangelical through participation in its governance, management, or strategic decision-making, which would render Evangelical a less independent competitor.

The proposed Final Judgment also prohibits Geisinger from otherwise influencing Evangelical, preserving its competitive independence. Paragraph IV.B.5. of the proposed Final Judgment prevents Geisinger from maintaining or obtaining any right of first offer or first refusal regarding any proposal or offer to Evangelical, including proposals to enter into future joint ventures with other entities, competitively significant asset sales, or change-of-control transactions by Evangelical. As alleged in the Complaint, having rights of first offer and first refusal would enable Geisinger to interfere if Evangelical

attempted to enter into such transactions and would deter collaborations between Evangelical and other entities. Prohibiting the use of such rights eliminates an entanglement between Geisinger and Evangelical that would reduce Evangelical's incentive and ability to compete vigorously.

Paragraph IV.B.6. prohibits Geisinger from controlling Evangelical's expenditure of funds, including Evangelical's choice of strategic project investments. Paragraph IV.B.6. also prohibits Geisinger from providing a guaranty to Evangelical against any financial losses. In addition, Paragraph IV.B.3. prohibits Geisinger from making a loan or extending a line of credit to Evangelical. These provisions ensure Evangelical's financial independence. Paragraph IV.B.7. prohibits Geisinger from licensing its information technology systems to Evangelical without the consent of the United States, except for information technology systems and support permitted under Paragraph V.B., subject to a firewall to prevent the sharing of competitively sensitive information. These provisions enable Evangelical to improve its hospital operations and patient care in order to be a more effective competitor while limiting Geisinger's ability to influence Evangelical.

Finally, to maintain their competitive independence, Paragraph IV.E. prevents Defendants from entering into any joint ventures with each other, including those contemplated in the Collaboration Agreement in certain service lines where Defendants historically competed, and from renewing, extending, or amending their joint venture to operate a recreation and wellness center called the Miller Center in Lewisburg, Pennsylvania, without the prior written consent of the United States. Exempted from this prohibition, however, are the renewal or extension of two joint ventures already in place—Evangelical-Geisinger, LLC, a joint venture between Geisinger and Evangelical to provide student health services to Bucknell University and the Keystone Accountable Care Organization, LLC, an organization of doctors, hospitals, and other providers, that provides coordinated care to Medicare Patients. Defendants, however, may not otherwise amend these two pre-existing joint ventures without the prior written consent of the United States.

Collectively, these provisions in the proposed Final Judgment remove Geisinger's ability to exercise influence or control over Evangelical. Defendants' incentives to compete with each other are preserved by eliminating all of Geisinger's rights to influence or control decision-making at Evangelical, removing other entanglements from the Collaboration Agreement, and capping Geisinger's equity stake in Evangelical to a 7.5% passive investment. The terms of the proposed Final Judgment maintain Evangelical's independence as a competitor, substantially reduce the likelihood that Defendants' competitive incentives will be affected by Geisinger's partial ownership, and preserve Defendants' incentives to compete with each other on the price, quality, and availability of services.

C. Prohibitions Against Sharing Competitively Sensitive Information

The Collaboration Agreement would have provided the potential for increased coordination between Geisinger and Evangelical arising from the sharing of sensitive, forward-looking confidential information about Evangelical's plans to compete with Geisinger. The proposed Final Judgment requires that the provisions in the Collaboration Agreement that would have provided Geisinger with the ability to access Evangelical's competitively sensitive information be eliminated in order to prevent Defendants from coordinating with one another using that information. Paragraph IV.G. of the proposed Final Judgment prohibits the Defendants from providing each other with non-public information, including any information about strategic projects being considered by either Defendant. It also prevents Defendants from having access to each other's financial records. By preventing Defendants from sharing this information, this provision decreases the possibility of anticompetitive coordination between Defendants and helps maintain their incentives to compete with one another. This provision, however, allows Defendants to exchange non-public information that is necessary for the care and treatment of patients. In addition, Paragraph IV.B.5. prohibits Defendants from exercising or maintaining any rights of first offer and first refusal that would allow Geisinger to receive advance notice about Evangelical's competitive plans through exercising such a right.

E. Permitted Conduct

Paragraph V.A. of the proposed Final Judgment permits Evangelical to retain the $20.3 million Geisinger already provided to Evangelical, defined in the proposed Final Judgment as the Existing Financial Payment, but only for the purpose of expending it on Evangelical's PRIME patient room improvement project ($17 million) and to sponsor the Lewisburg YMCA at the Miller Center in Lewisburg, Pennsylvania (approximately $3.3 million). These projects will not impede competition between the parties and will benefit the community.

Paragraph V.B. of the proposed Final Judgment permits Geisinger to provide certain information technology systems and support to Evangelical at a discounted rate to enable Evangelical to upgrade its electronic health records systems. The proposed Final Judgment also permits Geisinger to provide Evangelical access to various back office software systems at commercially reasonable rates. Evangelical has been unable to accomplish such upgrades on its own because of its status as a small independent community hospital. Permitting Evangelical to obtain this electronic medical records upgrade and related support from Geisinger at a discount will benefit patients in central Pennsylvania and promote the adoption of health information technology to improve the delivery of care to patients. Geisinger's provision of upgraded health records software and other support software to Evangelical is unlikely to prevent Evangelical from collaborating with other healthcare providers. The requirement in Paragraph VII.A. that Defendants implement and maintain a firewall will prevent them from sharing competitively sensitive information.

F. Antitrust Compliance Program and Firewall

Defendants are required to institute an antitrust compliance program to ensure their compliance with the Final Judgment and the antitrust laws. Under Section VI of the proposed Final Judgment, each Defendant must create an antitrust compliance program that is satisfactory to the United States to ensure that Defendants comply with the Final Judgment.

Defendants must designate an Antitrust Compliance Officer who is responsible for implementing training and antitrust compliance programs and ensuring compliance with the Final Judgment. Among other duties, each Antitrust Compliance Officer will be required to distribute copies of the Final Judgment to each of Defendants' respective management, among others, and to ensure that relevant training is provided to each Defendants' management as well as individuals with responsibility over Defendants' information technology systems. Defendants are each required to certify compliance with the Final Judgment and the requirements of the antitrust compliance programs annually on the

anniversary of the entry of the Final Judgment.

Under Section VII, Defendants are required to implement and maintain a firewall to prevent competitively sensitive information from being disclosed in the course of Geisinger's provision of electronic medical records and other IT systems and services to Evangelical. Defendants must provide their compliance plan for the firewall to the United States for approval, and the United States maintains the right to seek the Court's determination as to sufficiency of the Defendants' proposed compliance plan for the firewall.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment neither impairs nor assists the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the U.S. Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time before the Court's entry of the Final Judgment. The comments and the response of the United States will be filed with the Court. In addition, comments and the United States' responses will be published in the **Federal Register** unless the Court agrees that the United States instead may publish them on the U.S. Department of Justice, Antitrust Division's internet website.

Written comments should be submitted to: Eric D. Welsh, Chief, Healthcare and Consumer Products Section, Antitrust Division, U.S. Department of Justice, 450 Fifth Street NW, Suite 4100, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

As an alternative to the proposed Final Judgment, the United States considered a full trial on the merits challenging the partial acquisition. The United States could have continued this litigation and sought preliminary and permanent injunctions against Geisinger's acquisition of partial ownership of Evangelical and the accompanying entanglements in the Transaction. The United States is satisfied, however, that the relief described in the proposed Final Judgment will remedy the anticompetitive effects alleged in the Complaint, preserving competition in the market for inpatient general acute-care services in the six-county area in Pennsylvania identified in the Complaint. Thus, the proposed Final Judgment achieves all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. Standard of Review Under the APPA for the Proposed Final Judgment

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

(A) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States* v. *U.S. Airways Grp., Inc.,* 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that a court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable'').

As the U.S. Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations in the government's complaint, whether the proposed Final Judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the proposed Final Judgment, a court may not ''make de novo determination of facts and issues.'' *United States* v. *W. Elec. Co.,* 993 F.2d 1572, 1577 (D.C. Cir. 1993) (quotation marks omitted); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Instead, ''[t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the

Attorney General.'' *W. Elec. Co.,* 993 F.2d at 1577 (quotation marks omitted). ''The court should bear in mind the *flexibility* of the public interest inquiry: The court's function is not to determine whether the resulting array of rights and liabilities is one that will *best* serve society, but only to confirm that the resulting settlement is within the *reaches* of the public interest.'' *Microsoft,* 56 F.3d at 1460 (quotation marks omitted); *see also United States* v. *Deutsche Telekom AG,* No. 19–2232 (TJK), 2020 WL 1873555, at *7 (D.D.C. Apr. 14, 2020). More demanding requirements would ''have enormous practical consequences for the government's ability to negotiate future settlements,'' contrary to congressional intent. *Id.* at 1456. ''The Tunney Act was not intended to create a disincentive to the use of the consent decree.'' *Id.*

The United States' predictions about the efficacy of the remedy are to be afforded deference by the Court. *See, e.g., Microsoft,* 56 F.3d at 1461 (recognizing courts should give ''due respect to the Justice Department's . . . view of the nature of its case''); *United States* v. *Iron Mountain, Inc.,* 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (''In evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' (internal citations omitted)); *United States* v. *Republic Servs., Inc.,* 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting ''the deferential review to which the government's proposed remedy is accorded''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (''A district court must accord due respect to the government's prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.''). The ultimate question is whether ''the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.' '' *Microsoft,* 56 F.3d at 1461 (*quoting W. Elec. Co.,* 900 F.2d at 309).

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint, and does not authorize the Court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''[T]he 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged.''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60.

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of using consent judgments proposed by the United States in antitrust enforcement, Public Law 108–237, 221, and added the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene,'' 15 U.S.C. 16(e)(2). *See also U.S. Airways,* 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). ''A court can make its public interest determination based on the competitive impact statement and response to public comments alone.'' *U.S. Airways,* 38 F. Supp. 3d at 76 (citing *Enova Corp.,* 107 F. Supp. 2d at 17).

VIII. Determinative Documents

The only determinative documents or materials within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment are the Collaboration Agreement, dated February 1, 2019, and the Amended and Restated Collaboration Agreement, dated February 18, 2021.

Dated: March 3, 2021

Respectfully submitted,

PLAINTIFF UNITED STATES OF AMERICA

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Electrified Vehicle and Energy Storage Evaluation

Notice is hereby given that, on February 10, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Electrified Vehicle and Energy Storage Evaluation (''EVESE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Gamma Technologies LLC, Westmont, IL, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and EVESE intends to file additional written notifications disclosing all changes in membership.

On September 24, 2020, EVESE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 15, 2020 (85 FR 65423).

The last notification was filed with the Department on December 1, 2020. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 9, 2020 (85 FR 79218).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04973 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Source Imaging Consortium, Inc.

Notice is hereby given that, on February 4, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Source Imaging Consortium, Inc. (''Open Source Imaging Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, National Hospital Organization, Kinki-Chui Chest Medical Center, Osaka, JAPAN; and Imvaria, Inc, Mountain View, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Source Imaging Consortium intends to file additional written notifications disclosing all changes in membership.

On March 20, 2019, Open Source Imaging Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 12, 2019 (84 FR 14973).

The last notification was filed with the Department on November 13, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 27, 2020 (85 FR 76107).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04964 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on February 8, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 848 Solutions Limited, Stafford, UNITED KINGDOM; Advantech Corporation, Irvine, CA; Aitech Defense Systems, Inc., Chatsworth, CA; Anurag Group of Institutions, Hyderabad, INDIA; B2B Learning, Brussels, BELGIUM; Baltijas Datoru Akademija, Riga, LATVIA; Beckhoff Automation, LLC, Savage, MN; BP Exploration Operating Co Ltd, Sunbury Upon Thames, UNITED KINGDOM; CAPC Group, LLC, Cincinnati, OH; Cerner Corporation, Kansas City, MO; Collaborative Systems Integration, LLC, Austin, TX; Croc Region Ltd., Moscow, RUSSIAN FEDERATION; Datagration Solutions, Inc., Houston, TX; Deeplight Technologies, Reading, UNITED KINGDOM; dGB Earth Sciences BV, Enschede, THE NETHERLANDS; DNV GL Business Assurance Norway AS, Høvik, NORWAY; Emisoft AS, Bergen, NORWAY; ERM Group, Inc., Houston, TX; Fundação Gorceix, Ouro Preto, BRAZIL; hpad Consulting, Bel Aire, KS; HRH Ltd, Aberdeen, UNITED KINGDOM; inerG, Inc., Houston, TX; Intelligent Training de Colombia, Bogota, COLOMBIA; Jodayn Consulting, Riyadh, SAUDI ARABIA; Keross LLC, Dubai, UNITED ARAB EMIRATES; Kwantis, Milano, ITALY; Leviathan Security Group, Inc., Seattle, WA; LMK Resources, Inc., Houston, TX; Moog, Inc., Elma, NY; Petroleum Experts Limited, Edinburgh, UNITED KINGDOM; Rocsole Oy, Kuopio, FINLAND; Saudi Aramco, Houston, TX; Technology Service Corporation, Arlington, VA; Thermo Fisher Scientific, Bordeaux, FRANCE; U.S. Space Force Space and Missile Systems Center, El Segundo, CA; Volantice Ltd., Tunbridge Wells, UNITED KINGDOM; Vose Software NV, Sint-Amandsberg, BELGIUM; Weatherford International, LLC, Houston, TX; Xecta Digital Labs, Houston, TX; and ZEDEDA, Inc., San Jose, CA, have been added as parties to this venture.

Also, Beniva Consulting Group, Houston, TX; CERTON Software, Inc., Cambridge, MA; Dreamtsoft, Inc., Del Mar, CA; Encana Corporation, Calgary, CANADA; Focus People s.r.o., Senov, CZECH REPUBLIC; FSOPN Science and Technology, Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Great River Technology, Inc., Albuquerque, NM; Hawaiian Electric Company, Honolulu, HI; INNOSEC Ltd, Hod Hasharon, ISRAEL; it SolutionCrew GmbH, Nussbaumen, SWITZERLAND; Mocana Corporation, San Francisco, CA; Moody's Corporation, New York, NY; Nagoya University, Nagoya, JAPAN; OMEC Sp z.o.o., Warsaw, POLAND; Process Management and Solutions, S.A. de C.V, Mexico City, MEXICO; Radix U.S., LLC., Houston, TX; Shenzhen Comtop Information Technologies, Shenzhen, PEOPLE'S REPUBLIC OF CHINA; SunDrill Energy Services, Houston, TX; Tachyus Corporation, Berkeley, CA; The SABSA Institute, Hove, UNITED KINGDOM; Visible Systems Corporation, Boston, MA; and WellLogData, Inc., Houston, TX, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 12, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on November 3, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2020 (85 FR 74761).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04959 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on February 18, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were

filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Marubun/Arrow (HK) Limited, Hong Kong, HONG KONG SAR; Seiko Epson Corporation, Nagano-Ken, JAPAN; Continental Automotive GmbH, Wetzlar, GERMANY; and Storewell Media Manufacturing Ltd., Taoyuan City, TAIWAN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on October 14, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 19, 2020 (85 FR 73749).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04974 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—OpenJS Foundation

Notice is hereby given that, on February 12, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), OpenJS Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bloomberg L.P., New York, NY, has been added as a party to this venture.

Also, YLD! Limited, London, UNITED KINGDOM; Fidelity, Boston, MA; SafetyCulture, Townsville, AUSTRALIA; BrowserStack, Plano, TX; CloudGrey, Houston, TX; Vincit, San Francisco, CA; and SkyScanner, San Francisco, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenJS Foundation intends to file additional written notifications disclosing all changes in membership.

On August 17, 2015, OpenJS Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 28, 2015 (80 FR 58297).

The last notification was filed with the Department on August 14, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 28, 2020 (85 FR 53399).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04962 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Undersea Technology Innovation Consortium

Notice is hereby given that, on February 5, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Undersea Technology Innovation Consortium (''UTIC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Compass Systems, Inc., Lexington Park, MD; Cross Domain Systems, Inc., Medford, CA; DataRobot, Inc., Boston, VA; Linden Photonics, Inc., Westford, MA; Marotta Controls, Montville, NJ; Massa Products Corporation, Hingham, MA; Materials Sciences LLC, Horsham, PA; Ocean Power Technologies, Monroe Township, NJ; Research and Development Solutions, Inc., McLean, VA; Sidus Solutions LLC, San Diego, CA; SubUAS LLC, Hillsborough, NJ; Sunfish, Inc., Del Valle, TX; The Pennsylvania State University Applied Research Laboratory Electro-Optics Center Division, Freeport, PA; United Aircraft Technologies, Inc., Troy, NY; Urban Electric Power, Inc., Pearl River, NY; Ventus Executive Solutions LLC, Fairfax, VA; and VMware, Inc., Palo Alto, CA have been added as parties to this venture.

Also, AMERICAN SYSTEMS, Middletow, RI; AMETEK SCP, Westerly, RI; ANDRO Computational Solutions, LLC, Rome, NY; Ardalyst Federal LLC, Annapolis, MD; ATLAS North America (ANA), Yorktown, VA; Beck Engineering Inc., Poulsbo, WA; Contrast Inc., Albuquerque, NM; CSA Ocean Sciences Inc., Stuart, FL; Expedition Technology Inc., Dulles, VA; G2 Ops Inc., Virginia Beach, VA; Globe Composite Solutions, Ltd., Stoughton, MA; ICE ITS, Inc., Ashburn, VA; ION/IO Marine Systems, New Orleans, LA; Joel Drake Consulting, LLC, San Diego, CA; and L3 Harris OceanServer, Inc., Fall River, MA have withdrawn from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UTIC intends to file additional written notifications disclosing all changes in membership.

On October 9, 2018, UTIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 2, 2018 (83 FR 55203).

The last notification was filed with the Department on November 9, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 20, 2020 (85 FR 74386).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04957 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research And Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on February 17, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. (''IMS Global'') has filed written notifications simultaneously with the Attorney

General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 2U, Lanham, MD; Amplify Education, Brooklyn, NY; Atomic Jolt, Millville, UT; Central Piedmont Community College, Charlotte, NC; Click4Europe srl, Cagliari, ITALY; CPALMS, Tallahassee, FL; Darlington County School District, Darlington, SC; Digital Promise, Washington, DC; N2N Services, Duluth, GA; Salesforce.com, Inc., San Francisco, CA; South Orange County Community College District, Mission Viejo, CA; and Territorium, LLC, San Antonio, TX, have been added as parties to this venture.

Also, State University of New York, Albany, NY; Abre, Cincinnati, OH; Purdue University, West Lafayette, IN; itslearning AS, Bergen, NORWAY; Convergence, Inc., Markham, Ontario, CANADA; Grapevine Colleyville ISD, Grapevine, TX; Xtremelabs LLC, Redmond, WA; and Explorance, Montreal, Quebec, CANADA, have withdrawn as parties to this venture. In addition, K12.com changed its name to Stride, Herndon, VA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on December 3, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 22, 2020 (85 FR 83613).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04975 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on January 27, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), TM Forum, A New Jersey Non Profit Corporation (''The Forum'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following entities have become members of the Forum: Kevin Scaggs, Troy, IL; Atricom Systems Ltd, Hod HaSharon, ISRAEL; Tatic Solucoes Em Informatica Ltda, Belo Horizonte, BRAZIL; VizuaMatix Private Limited, Nawala Rajagiriya, SRI LANKA; Info-M Szamitastechnikai Kereskedelmi es Szolgaltato Zrt, Budapest, HUNGARY; Altifio, London, UNITED KINGDOM; University of Edinburgh, Edinburgh, UNITED KINGDOM; Billity AS, Foldroyhamn, NORWAY; SuccessFul Telecom Technology Co., Ltd., Shanghai, CHINA; Inetum, Saint-Ouen, FRANCE; IST—International Software Techniques S.A., Maroussi, GREECE; JT (Jersey) Ltd, St Helier, JERSEY; Tecnovos Technologies LLP, Ulsoor, INDIA; Accedian Networks, Saint-Laurent, CANADA; WeCity, Utrecht, NETHERLANDS; Hydro One Telecom, Etobicoke, CANADA; Palladin Technologies, Atlanta, GA; Hargray Communications Group, Inc., Hilton Head Island, SC; iQmetrix, Vancouver, CANADA; 2Degrees Mobile Ltd, Auckland, NEW ZEALAND; U Mobile Sdn. Bhd., Kuala Lumpur, MALAYSIA; L&T Technology Services Limited, Gujarat, INDIA; Zain Group—Mobile Telecommunications Company K.S.C.P, Safat, KUWAIT; Avanseus Holdings Pte Ltd., Bugis Junction, SINGAPORE; Mobile Telecommunications Company Saudi Arabia (Zain KSA), Riyadh, SAUDI ARABIA; CyberMAK Information Systems W.L.L., Kuwait City, KUWAIT.

Also, the following members have changed their names: Agile Network Systems Limited to ANS Digital Transformation Limited, London, UNITED KINGDOM; Bytes Systems Integration a division of Altron TMT (Pty) Ltd. to Altron Systems Integration, Cape Town, SOUTH AFRICA; Sigma Systems to Hansen Technologies, Toronto, CANADA; ARRIS Solutions, Inc. to CommScope, Suwanee, GA.

In addition, the following parties have withdrawn as parties to this venture: Adad, Sophia Antipolis, FRANCE; Beijing Qcubic Tech Co. Ltd, Beijing, CHINA; BitX Limited, Georgetown, GUYANA; Cartesian, Overland Park, KS; Centina Systems, Inc., Plano, TX; Cloudlite, Moscow, RUSSIA; Digital Afrique Telecom, Abidjan, CÔTE D'IVOIRE; Empirix Inc., Billerica, MA; Enterprise Ireland, Dublin 3, IRELAND; Equatorial Telecom, São Luís, BRAZIL; Equinix, Inc, Tampa, FL; Expedite Commerce, Plano, TX; Galileo Software, Cork, IRELAND; Inducta d.o.o., Zagreb, CROATIA; Mad Enterprise, Pornic, FRANCE; Maestracom, Nice Alpes Maritimes, FRANCE; Modern Telecom Systems IT, Cairo, EGYPT; Neustar, Sterling, VA; Progresif Cellular Sdn Bhd, Bandar Seri Begawan, BRUNEI DARUSSALAM; ProximaX, Singapore, SINGAPORE; Reinfer Ltd, London, UNITED KINGDOM; Smartrek, Wabern, SWITZERLAND; T&BS SAS, Paris, FRANCE; Unico Computer Systems, Melbourne, AUSTRALIA; VertiGIS GmbH, Wels, AUSTRIA; VIVA—Kuwait Telecommunications Company, Salmiya, KUWAIT; VOO SA, Liège, BELGIUM.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and TM Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, TM Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on October 30, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2020 (85 FR 74762).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–04968 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

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

On March 1, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Michigan in the lawsuit entitled *United States* v. *Walnutdale Family Farms, LLC and Kevin Lettinga,* Civil Action No. 1:20–cv–397.

On May 7, 2020, the United States filed a complaint against Walnutdale Family Farms, LLC and Kevin Lettinga (collectively, the ''Defendants'') alleging violation of the Clean Water Act (''CWA'') and the Defendants' National Pollutant Discharge Elimination System (''NPDES'') permits at its concentrated animal feeding operation (''CAFO'') in Wayland, Michigan. The violations include discharges of manure and process wastewater, inadequate operation and maintenance of waste storage devices, and failure to land apply manure in accordance with the Facility's NPDES permits. On May 11, 2020, Sierra Club moved to intervene in this action, alleging similar violations.

The proposed Consent Decree resolves the United States' and Sierra Club's claims by requiring the Defendants to assess and correct any problems with their waste storage structures, imposing heightened standards for land application of CAFO waste, and enhancing reporting requirements. The Consent Decree also requires Defendant to pay a civil penalty of $33,750 to the United States based on their limited ability to pay a civil penalty. In addition to the civil penalty, Defendants will pay $11,250 to the Sierra Club for a portion of its attorneys' fees. Finally, the proposed Consent Decree resolves violations of a prior Consent Decree and supersedes the prior Consent Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to the United States District Court for the Western District of Michigan in the lawsuit entitled *United States* v. *Walnutdale Family Farms, LLC and Kevin Lettinga,* D.J. Ref. No. 90–5–1–1–07515/1. 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:

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

During the public comment period, the 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 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 $19.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia McKenna,

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

[FR Doc. 2021–04897 Filed 3–9–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Request for Information Concerning a Report on Labor Market Information on the Native American Work Force

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Request for information.

SUMMARY: The Department of Labor (the ''Department'') requests information on issues related to the development of a report concerning ''Labor Market Information on the Indian Workforce,'' pursuant to the requirement in the Indian Employment, Training and Related Services Consolidation Act of 2017. The law tasks the Secretary of Labor to ''in a consistent and reliable manner, develop, maintain and publish, not less than biennially'' information related to 574 federally recognized tribes who are eligible for services under the Bureau of Indian Affairs (in the Department of the Interior). The Department invites tribal leaders, representatives, data specialists, and tribal members, as well as researchers and other interested parties to submit information related to the discussion and questions identified in the Supplementary Information section below. Responses to this Request for Information (RFI) will help the Department to identify approaches for generating accurate, timely and useful labor market information, and will complement the Department's consultations, as required under the law, with the Department of the Interior, tribes, and the Census Bureau.

DATES: Submit written responses on or before April 9, 2021. Responses are requested by 11:59 p.m. on the date above.

ADDRESSES: Information provided in response to this request can be submitted electronically to: *ILFR@dol.gov* or in hard copy, by mail or delivery service, to: Wayne Gordon, Director, Division of Research and Evaluation, Employment and Training Administration, U.S. Department of Labor, Room N–5641, 200 Constitution Avenue NW, Washington, DC 20210.

Additional Information and Instructions

(1) All submissions should reference the agency name (Employment and Training Administration (ETA) and concern ''Information Concerning a Report on Labor Market Information on the Native American Work Force.''

(2) Submissions should include a name, phone number, and email address for a single point of contact, in addition to the organizations, tribes, or other governmental agencies with which respondents are associated.

(3) Responses will not be posted publicly but will be summarized in a report prepared by the Department of Labor. It should be noted that any information submitted to the Department may be releasable pursuant to the provisions of the Freedom of Information Act or other applicable law. For that reason, the Department requests that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this RFI.

(4) Please refer to the section on Supplementary Information below for background information and questions that respondents may want to address in their submissions. Should they choose to reply to some or all of those questions, respondents are requested to identify the section number(s) relevant to the appropriate sections of their submission.

(5) Please note that research and evaluation studies, statistical information, training materials, policy statements or reports, or other relevant information may also be included or

referenced in responses. Please include hyperlinks if available.

FOR FURTHER INFORMATION CONTACT: Wayne Gordon, Room N–5641, 200 Constitution Avenue NW, Washington, DC 20210; by email: *ILFR@dol.gov;* or by telephone: (202) 693–3179 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1 (877) 889–5627 to obtain information.

SUPPLEMENTARY INFORMATION:

I. Background

A report on labor market information on the Native American workforce was first required under the Indian Employment, Training and Related Services Demonstration Act of 1992 (Pub. L. 102–477, enacted October 23, 1992). Under that law, the Secretary of the *Interior* was responsible for producing a report biennially regarding the same data required in the Labor Department report, under the 2017 law, *i.e.,* ''at the national level, by State, Bureau of Indian Affairs Service area, and tribal level for: (1) The total service population; (2) the service population under age 16 and over 64; (3) the population available for work, including those not considered to be actively seeking work; (4) the employed population, including those employed with annual earnings below the poverty line; and (5) the numbers employed in private sector positions and in public sector positions.''

The Interior Department's Bureau of Indian Affairs (BIA) produced 13 reports (entitled *The American Indian Population and Labor Force Report*) with the last report issued in 2013. Prior to that report, the population estimates in the reports were based primarily on data provided by the tribes themselves. However, in response to concerns about the accuracy and consistency of tribally provided data, BIA's 2013 report made a number of changes. These included use of data from a combination of sources, such as the decennial Census, multi-year data from the Census Bureau's American Community Survey (ACS), and data provided from a survey that BIA conducted with tribes. The report also used new methods for estimating service populations based on county-level data that attempted to approximate the geographic boundaries of tribes and nearby areas. Importantly, in regard to the Native American workforce, the report did not present estimates that met the exact requirements of the law, due to the lack of underlying data upon which to base such estimates. For that reason, the report used only Census data and presented percentage (rather than population) estimates on employment and unemployment regarding tribal areas (rather than for the service populations), and only state and national level estimates on some of the other measures identified in the law. Overall, then, the 2013 report raised many concerns and issues that remain to be resolved in regard to developing future reports presenting labor market information on the Native American workforce.

II. Request for Public Comment

The Department seeks information to help assure that future reports will present data that is accurate, consistent, and useful, and offers below additional information and series of questions that respondents may want to use to guide responses to this RFI. Response to this RFI is voluntary. Most of the questions, it should be noted, are geared to tribes themselves, since they are the primary intended beneficiaries of the report.

(1) *Uses of the Report:* The Department is interested in how to assure that the population and labor force data presented in the report are as useful as possible, and for that reason, requests information related to the following:

a. How did your tribe use information from past reports, such as for grant applications, service planning, economic development, or other purposes?

b. What data has your tribe used for those purposes since the last report was produced in 2013?

c. What do you think are likely to be the most important uses for the data in future reports for your tribe?

(2) *Scope and Frequency of Reports:* The law requires that the information in the report must include but is ''not limited to'' data on the total and prime age service populations and employment, both generally, by annual poverty-level earnings, and by private and public sector employment. These required data elements do not, however, cover a range of population and labor market data that are typically available to other jurisdictions at the county and municipal level in the U.S. Examples of the data available to other jurisdictions include those related to age, gender, educational level, occupation, and industry, derived from both household and establishment surveys, among other sources. Also, in recent years, the Census Bureau has made changes in its sampling and geographic mapping capabilities, and created more accessible population statistics for individual tribes through its website, *My Tribal Area* at *https://www.census.gov/tribal/.* Further the law also requires the report to be produced every two years, which would require updating all the data presented in it, based on new data collection with samples of sufficient size and representativeness to assure accurate results. In light of options for adding other labor force and labor market data elements, improvements in the population data that may be available on your tribe, and challenges in collecting the underlying data, information is requested on the following:

a. What other labor market or workforce data, beyond the required elements, would it be helpful to have in the reports?

b. How frequently should reports be issued, and for what purposes?

c. Should biennial reports cover all the data elements each time and if not, what other options should be considered?

(3) *Data Sources and Quality:* As noted above, prior reports drew from different data sources, such as the decennial census, the American Community Survey, tribal enrollment data, and surveys of tribes. Although the past reports endeavored to provide the most accurate estimates possible, they have engendered a variety of concerns such as: An undercount overall and at the tribal level; incomplete information on the depths of ''joblessness'' among those are not actively seeking work due to lack of available jobs; use of small samples and data collection methods that result in incomplete or inaccurate data; a ''spatial mismatch'' between tribal areas and county-level data, and lack of recognition of part-year residency of tribal members; and difficulties in determining who should be counted in the service populations in tribal areas. To address some of these problems, several tribes and tribal advocacy organizations have conducted research on alternative methods for collecting or adjusting available data on individual tribes' populations and various service needs. In light of these issues, information is sought on the following:

a. What in your view are the best *existing* sources of data, for assuring accuracy and consistency, such as that from the ACS, tribal enrollment and membership records, or some combination of existing sources?

b. Are there other data sources or data collection methods of which you are aware, that may be of interest to your tribe in developing more accurate population or labor force estimates?

(4) *Data Collection Capacity:* Improving data quality and accuracy may depend on development of tribes' ability to collect their own data, but

relatively little is known about the current capacity of tribes to do so, nor how challenges in collecting and reporting data may vary among tribes that have widely different population sizes and locations. For that reason, the Department seeks information on the tribes' current capacity for data collection, analysis and reporting. The following questions may be useful in providing information about this:

a. Does your tribe collect any population or labor force data? If so, what type of data does your tribe currently collect?

b. What are the methods used to collect that data, and how might those relate to the size and location of your tribe?

c. How often are those data collected, updated, and reported?

d. How many staff (full and part time), including volunteers, are dedicated to such an effort, and if so, does your tribe partner with external organizations for such activities?

e. If your tribe were to undertake additional data collection and reporting, what types or training and technical assistance might be most useful to your tribe? Would additional computer or internet resources be needed in order to engage more data collection?

(5) *Privacy and Data Security:* Protecting the privacy of individuals and their families has been of increasing importance to tribes, and was an important topic in the consultations conducted with tribes by the Census Bureau in 2019. In light of this, information is requested on the following:

a. What are the most important issues related to privacy and data security regarding the future reports with labor market information on the Native American work force?

b. What are the key issues of concern regarding privacy, including access to and security of, tribally-collected data?

(6) *Technical Issues:* There are a number of technical issues that will need to be resolved in order to develop a report on labor market information on the Native American work force that includes the data as required in the law, and possibly other data. Information is sought on relevant issues and possible options to resolve these technical issues, including but not limited to the following:

a. What are the key issues concerning consistency across tribes for population and labor force counts, especially the number counted as the ''service population''?

b. What are the key issues in regard to the definition and boundaries of tribal ''service areas'' and how might those be resolved?

c. Should there be a single data source used, or multiple possible data sources permitted in the report?

d. Should data standards be developed and if so, by whom? and

e. What other technical issues need to be addressed in regard to national survey data or tribally generated data?

III. Conclusion

The Department invites all tribes and other interested parties to submit information relevant to development of the report, including but not limited to the questions posed in this RFI. The information provided by respondents will help in identifying and clarifying a range of approaches for meeting the requirements of the law, and for generating accurate, reliable and timely population, labor force, and labor market information that will be useful to tribal governments, as well as to Federal and state agencies that provide support to them and their members.

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–04938 Filed 3–9–21; 8:45 am]

BILLING CODE 4510–FM–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of H–2A and H–2B Foreign Workers in the United States: Annual Update to Allowable Monetary Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this notice to announce the annual updates to allowable monetary charges employers of H–2A workers, in occupations other than herding or production of livestock on the range, may charge these workers when the employer provides three meals per day. This notice also announces the maximum travel subsistence meal reimbursement a worker with receipts may claim under the H–2A and H–2B programs. Finally, this notice includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence.

DATES: This annual update is effective on March 10, 2021.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, N–5311, 200 Constitution Avenue NW, Washington, DC 20210, by telephone at 202–693–8200 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY/TDD by calling the toll-free Federal Information Relay Service at 1 (877) 889–5627 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services of the Department of Homeland Security will not approve an employer's petition for the admission of H–2A or H–2B nonimmigrant temporary workers in the United States unless the petitioner has received an H–2A or H–2B labor certification from the Department. The labor certification generally provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. *See* 20 CFR 655.1(a) and 655.100.

Allowable Meal Charge

H–2A agricultural employers who are employing workers in occupations other than herding or production of livestock on the range must offer and provide each worker three meals per day or provide the workers free and convenient cooking facilities.[1] *See* § 655.122(g). Where the employer provides the meals, the job offer must state the charge, if any, to the worker for such meals. *See id.* The amount of meal charges is governed by § 655.173.

By regulation, the Department has established the methodology for determining the maximum amount that H–2A agricultural employers may charge workers for providing them with three meals per day. *See* § 655.173(a). This methodology allows for annual adjustments of the previous year's maximum allowable charge based on

[1] H–2A employers must provide workers engaged in herding or the production of livestock on the range meals or food to prepare meals without charge or deposit charge. *See* 20 CFR 655.210(e).

the updated Consumer Price Index for All Urban Consumers for Food (CPI–U for Food), not seasonally adjusted. *See id.* The maximum amount employers may charge workers for providing meals is adjusted annually by the 12-month percentage change in the CPI–U for Food for the prior year (*i.e.,* between December of the year just concluded and December of the prior year). *See id.* The Office of Foreign Labor Certification (OFLC) Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day if the higher amount is justified and sufficiently documented by the employer, as set forth in § 655.173(b).

The percentage change in the CPI–U for Food between December 2019 and December 2020 was 3.9 percent.[2] Thus, the annual update to the H–2A allowable meal charge is calculated by multiplying the current allowable meal charge ($12.68) by the 12-month percentage change in the CPI–U for Food between December 2019 and December 2020 ($12.68 × 1.039 = $13.17). Accordingly, the updated maximum allowable charge under §§ 655.122(g) and 655.173 is $13.17 per day, and an employer is not permitted to charge a worker more than $13.17 per day unless the OFLC Certifying Officer approves a higher charge, as authorized under § 655.173(b).[3]

Reimbursement for Travel-Related Subsistence

H–2B and H–2A employers must pay reasonable travel and subsistence costs, including the costs of meals and lodging, incurred by workers during travel to the worksite from the place from which the worker has come to work for the employer and from the place of employment to the place from which the worker departed to work for the employer, as well as any such costs incurred by the worker incident to obtaining a visa authorizing entry to the United States for the purpose of H–2A or H–2B employment. *See* §§ 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

Specifically, an H–2A employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of daily travel-related subsistence between the employer's worksite and the place from which the worker has come to work for the employer, if the worker completes 50 percent of the work contract period. The employer must provide (or pay at the time of departure) the worker's return costs upon the worker completing the contract or being dismissed without cause. *See* § 655.122(h)(1) and (2).

Similarly, an H–2B employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of transportation and daily subsistence between the employer's worksite and the place from which the worker has come to work for the employer—if the worker completes 50 percent of the job order period—and upon the worker completing the job order period or being dismissed early (for any reason), return costs as well. *See* § 655.20(j)(1)(i) and (ii).

The minimum amount of daily travel subsistence expense for meals for which a worker is entitled to reimbursement must be at least as much as the employer would charge for providing the worker with three meals per day during employment (if applicable). Under no circumstances may the employer reimburse workers less than the amount permitted under § 655.173(a) (*i.e.,* the current year's daily meal charge amount of $13.17). The maximum amount an employer is required to reimburse workers for daily travel-related subsistence, as evidenced with receipts, is equal to the standard Continental United States (CONUS) per diem rate, as established by the General Services Administration (GSA) at 41 CFR part 301, formerly published in Appendix A and now found at *https://www.gsa.gov/travel/plan-book/per-diem-rates. See* Maximum Per Diem Reimbursement Rates for the Continental United States, 85 FR 50025 (Aug. 17, 2020) (2020 Update). The standard CONUS meals and incidental expenses rate is $55.00 per day for 2021.[4] Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the standard CONUS meals and incidental expenses rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may limit the meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals, or $41.25, based on the GSA per diem schedule. *See* 2020 Update, 85 FR at 50025. If a worker does not provide receipts, the employer is not obligated to reimburse above the minimum stated at § 655.173, as specified above.

If transportation and lodging are not provided by the employer, the amount an employer must pay for transportation and, where required, lodging must be no less than (and is not required to be more than) the most economical and reasonable costs. The employer is responsible for those costs necessary for the worker to travel to the worksite if the worker completes 50 percent of the work contract period but is not responsible for unauthorized detours. The employer also is responsible for the costs of return transportation and subsistence, including lodging costs where necessary, as described above. These requirements apply equally to instances where the worker is traveling within the U.S. to the employer's worksite. *See* §§ 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

For further information on when the employer is responsible for lodging costs, please see the Department's H–2A Frequently Asked Questions on Travel and Daily Subsistence, on OFLC's website at *https://www.dol.gov/agencies/eta/foreign-labor.*

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–04939 Filed 3–9–21; 8:45 am]

BILLING CODE 4510–FP–P

[2] Consumer Price Index—December 2020, published January 13, 2020 at *https://www.bls.gov/news.release/archives/cpi_01132021.pdf.*

[3] In 2020, the maximum allowable charge under 20 CFR 655.122(g) and 655.173 was $12.68 per day. *See* 85 FR 16133 (Mar. 20, 2020).

[4] Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS), 85 FR 50025 (Aug. 17, 2020); *see also https://www.gsa.gov/travel/plan-book/per-diem-rates/mie-breakdown.*

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Contractor Veterans' Employment Report (VETS–4212)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Veterans' Employment and Training Service (VETS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 9, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular

information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (''VEVRAA''), 38 U.S.C. 4212(d), requires Federal contractors and subcontractors subject to the Act's affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of protected veterans. VETS maintains regulations to implement the reporting requirements under VEVRAA, and uses the VETS–4212 form for providing the required information on the employment of covered veterans. The regulations in 41 CFR part 61– 300 require contractors and subcontractors with a covered Federal contract entered into or modified in the amount of $150,000 or more to use the Federal Contractor Veterans' Employment Report VETS–4212 form for reporting information on their employment of covered veterans under VEVRAA.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 20, 2020 (85 FR 74390).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–VETS.

Title of Collection: Federal Contractor Veterans' Employment Report (VETS–4212).

OMB Control Number: 1293–0005.

Affected Public: Private Sector: Businesses or other for-profits; not-for-profit institutions.

Total Estimated Number of Respondents: 21,000.

Total Estimated Number of Responses: 378,000.

Total Estimated Annual Time Burden: 128,520 hours.

Total Estimated Annual Other Costs Burden: $1,340.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: March 3, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–04941 Filed 3–9–21; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2021–0001]

National Advisory Committee on Occupational Safety and Health (NACOSH); Request for Nominations

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations.

SUMMARY: OSHA invites interested persons to submit nominations for membership on the National Advisory Committee on Occupational Safety and Health (NACOSH).

DATES: Nominations for NACOSH membership must be submitted (postmarked, sent, transmitted or received) by May 10, 2021.

ADDRESSES: You may submit nominations and supporting materials by one of the following methods:

Electronically: You may submit nominations, including attachments, electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the online instructions for making submissions.

OSHA will place comments and requests for a hearing, including personal information, in the public docket, which will be available online. Therefore OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meilinger, Office of Communications, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General information and technical inquiries: Amy Wangdahl, Office of Maritime and Agriculture, Directorate of Safety and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: (202) 693–2066; email: *wangdahl.amy@dol.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Labor (Secretary) invites interested individuals to submit nominations for membership on NACOSH.

I. Background

The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) established NACOSH to advise, consult with, and make recommendations to the Secretary and the Secretary of Health and Human Services (HHS Secretary) on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), implementing regulations (41 CFR part 102–3), the OSH Act, and OSHA's regulations on NACOSH (29 CFR part 1912a).

The Committee shall meet at least two times a year (29 U.S.C. 656(a)(2)). Committee members serve without compensation, but OSHA provides

travel and per diem expenses. NACOSH members serve staggered terms, unless the member becomes unable to serve, resigns, ceases to be qualified to serve, or is removed by the Secretary. The terms of six NACOSH members expire on July 31, 2021.

II. NACOSH Membership

NACOSH is comprised of 12 members, all of whom the Secretary appoints. Accordingly, the Secretary seeks six committed members to serve a two-year term. If a vacancy occurs before a term expires, the Secretary may appoint a new member who represents the same interest as the predecessor to serve the remainder of the unexpired term. The U.S. Department of Labor (Department) is committed to equal opportunity in the workplace and seeks a broad-based and diverse NACOSH membership. The Department will conduct a public records check of nominees before their appointment using publicly available sources.

Nominations of new members, or resubmissions of current or former members, will be accepted in all categories of membership. Interested persons may nominate themselves or submit the name of another person whom they believe to be interested in and qualified to serve on NACOSH. Nominations may also be submitted by organizations from one of the categories listed.

OSHA invites nominations for the following NACOSH positions:

- Two (2) public representatives;
- One (1) management representative;
- One (1) labor representative;
- One (1) occupational safety professional representative; and
- One (1) occupational health professional representative.

Pursuant to 29 CFR 1912a.2, the HHS Secretary designates both of the occupational health professional representatives and two of the four public representatives for the Secretary's consideration and appointment. OSHA will provide to HHS all nominations and supporting materials for the membership categories the HHS Secretary designates.

III. Submission Requirements

Any individual or organization may nominate one or more qualified persons for membership on NACOSH. Nominations must include the following information:

1. The nominee's name, contact information, and current employment or position;

2. The nominee's resume or curriculum vitae, including prior membership on NACOSH and other relevant organizations and associations;

3. The categories that the nominee is qualified to represent;

4. A summary of the background, experience, and qualifications that address the nominee's suitability for membership;

5. A list of articles or other documents the nominee has authored that indicates the nominee's experience in worker safety and health; and

6. A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in NACOSH meetings, and has no conflicts of interest that would preclude membership on NACOSH.

OSHA will conduct a basic background check of candidates before their appointment to NACOSH. The background check will involve accessing publicly available, internet-based sources.

IV. Member Selection

The Secretary of Labor will select six NACOSH members based on their experience, knowledge, and competence in the field of occupational safety and health (29 CFR 1912a.2). Nominees will also be evaluated in accordance with Secretary's Order 10–2020 (85 FR 71104) to ensure they are sufficiently financially independent from the Department programs and activities for which they may be called upon to provide advice. Information received through this nomination process, in addition to other relevant sources of information, will assist the Secretary of Labor in appointing members NACOSH. In selecting NACOSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish a list of NACOSH members in the **Federal Register**.

Authority and Signature

Amanda Edens, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 656; 5 U.S.C. App. 2; 29 CFR part 1912a; 41 CFR part 102–3; and Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020).

Signed at Washington, DC, on March 3, 2021.

Amanda Edens,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–04942 Filed 3–9–21; 8:45 am]

BILLING CODE 4510–26–P

MARINE MAMMAL COMMISSION

Sunshine Act Notice

TIME AND DATE: The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will hold a public meeting on Tuesday, 23 March 2021, from 1:00 p.m. to 4:00 p.m.

PLACE: This meeting will be conducted by remote means.

STATUS: This meeting will be held in accordance with the provisions of the Government in the Sunshine Act (5 U.S.C. 552b) and the Federal Advisory Committee Act (5 U.S.C. App. I) and will be open to the public. Public participation will be allowed as time permits and as determined to be desirable by the Chairman. The Commission will livestream the meeting via a Zoom webinar. For further information and to register for the webinar, go to the Commission's website at *https://www.mmc.gov/events-meetings-and-workshops/other-events/effects-of-low-salinity-exposure-on-bottlenose-dolphins-webinar/.*

MATTERS TO BE CONSIDERED: The Commission and Committee will meet to consider the effects of low salinity exposure on bottlenose dolphins. Specifically, meeting participants will review the findings of the Northern Gulf of Mexico bottlenose dolphin unusual mortality event (*https://www.fisheries.noaa.gov/national/marine-life-distress/2019-bottlenose-dolphin-unusual-mortality-event-along-northern-gulf*), provide information on the potential impacts of low-salinity exposure on dolphins and their prey, identify data needs, and discuss options for mitigating and monitoring impacts to dolphins and their prey from future low-salinity exposure. The agenda for the meeting is posted on the Commission's website at *https://www.mmc.gov/events-meetings-and-workshops/other-events/effects-of-low-salinity-exposure-on-bottlenose-dolphins-webinar/.*

CONTACT PERSON FOR MORE INFORMATION: Victoria Cornish, Energy Policy Analyst, Marine Mammal Commission, 4340 East West Highway, Room 700, Bethesda, MD 20814; (301) 504–0087; email: *mmc@mmc.gov.*

Catherine Shrestha,

Administrative Officer.

[FR Doc. 2021–05034 Filed 3–8–21; 11:15 am]

BILLING CODE 6820–31–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 21–02]

Notice of Open Meeting

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, the Millennium Challenge Corporation (MCC) Economic Advisory Council was established as a discretionary advisory committee on October 5, 2018. Its charter was renewed for a second term on October 1, 2020. The MCC Economic Advisory Council serves MCC solely in an advisory capacity and provides advice and guidance to MCC economists, evaluators, leadership of the Department of Policy and Evaluation, and senior MCC leadership regarding relevant trends in development economics, applied economic and evaluation methods, poverty analytics, as well as modeling, measuring, and evaluating development interventions. In doing so, the MCC Economic Advisory Council helps sharpen MCC's analytical methods and capacity in support of the agency's economic development goals. It also serves as a sounding board and reference group for assessing and advising on strategic policy innovations and methodological directions at MCC.

DATES: Friday, March 26, 2021, from 10:00 a.m.–12:00 p.m. EDT.

ADDRESSES: The meeting will be held via conference call and/or WebEx.

FOR FURTHER INFORMATION CONTACT: Mesbah Motamed, 202.521.7874 *MCCEACouncil@mcc.gov* or visit *www.mcc.gov/about/org-unit/economic-advisory-council.*

SUPPLEMENTARY INFORMATION:

Agenda. During this meeting of the MCC Economic Advisory Council, members will receive an overview of MCC's work and the context and function of the MCC Economic Advisory Council within MCC's mission. The MCC Economic Advisory Council will also discuss issues related to MCC's core functions, including the following topics: (i) Improving MCC's conditions and channels for development assistance; (ii) addressing MCC's criteria for partner country selection and eligibility; and (iii) integrating priorities of sustainability and resilience into MCC's analytical and operational work.

Public Participation: The meeting will be open to the public. Members of the public may file written statement(s) before or after the meeting. If you plan to participate, please submit your name and affiliation no later than Friday, March 19, 2021 to *MCCEACouncil@mcc.gov* to receive dial-in instructions and to be placed on an attendee list.

Authority: Federal Advisory Committee Act, 5 U.S.C. App.

Dated: March 4, 2021.

Thomas G. Hohenthaner,

Acting VP/General Counsel and Corporate Secretary.

[FR Doc. 2021–04916 Filed 3–9–21; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL CAPITAL PLANNING COMMISSION

Comprehensive Plan for the National Capital; Amendment of Federal Elements

AGENCY: National Capital Planning Commission.

ACTION: Notice of final adoption of and effective date.

SUMMARY: The National Capital Planning Commission (NCPC) amended the boundary and definition of the Central Employment Area of the 2016 Federal Workplace Element (Element) of the Comprehensive Plan for the National Capital: Federal Elements on March 4, 2021. The amendment includes a federal/District designation of a Central Employment Area, which prioritizes the location of federal workplaces in Washington, DC.

DATES: The amendment to the 2016 Federal Workplace Element will become applicable May 10, 2021.

ADDRESSES: The amendment to the 2016 Federal Workplace Element is available online for review at: *https://www.ncpc.gov/initiatives/workplace.*

FOR FURTHER INFORMATION CONTACT: Angela Dupont at (202) 482–7232 or *info@ncpc.gov.*

Authority: 40 U.S.C. 8721(a).

Dated: March 4, 2021.

Anne R. Schuyler,

General Counsel.

[FR Doc. 2021–04917 Filed 3–9–21; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Notice To Announce Request for Comments To Assist in the Development of the National Endowment for the Arts' 2022–2026 Strategic Plan

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Request for comments.

SUMMARY: The National Endowment for the Arts (NEA) is in the process of developing a new strategic plan for the years 2022–2026. The NEA Office of Research & Analysis is soliciting public input to inform the development of the NEA 2022–2026 Strategic Plan. Through this Request for Comments, the NEA invites ideas and insights from the general public, including arts organizations, artists, arts educators, state and local arts agencies, other arts funders and policy-makers, researchers, and individuals and groups outside the arts sector. In the summer of 2021, stakeholders will have a second opportunity to provide comments and input in response to the drafted version of the NEA 2022–2026 Strategic Plan.

DATES: Written comments must be submitted to the office listed in the address section below on or before the close of business on Friday, March 26, 2021. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Send comments to Sunil Iyengar, National Endowment for the Arts, via email (*NEAstrategicplanninggroup@arts.gov*).

SUPPLEMENTARY INFORMATION:

A. About the National Endowment for the Arts

Established by Congress in 1965, the National Endowment for the Arts is an independent federal agency, providing funding and support to give Americans the opportunity to participate in the arts, exercise their imaginations, and develop their creative capacities. Currently, the NEA supports arts organizations and artists in every Congressional district in the country.

B. Supplemental Information

As a Federal agency, the National Endowment for the Arts is required to establish a new strategic plan every four years. The Strategic Plan sets key priorities for the agency and presents management-focused objectives and strategies. The NEA's most recent

strategic plan covers the years 2018–2022, and can be found online here: *https://www.arts.gov/sites/default/files/NEA-FY2018-2022-StrategicPlan-2.16.18.pdf.*

Through this Request for Comments, the NEA is seeking public input and comments from a broad array of stakeholders (see **SUMMARY**) to guide the development of the agency's 2022–2026 Strategic Plan. A call for comments has been posted to the agency's website: *https://www.arts.gov/strategic-plan-input.* In particular, the NEA welcomes input on the development of its Strategic Framework, which includes the following elements: Mission, Vision, Strategic Goals, and Strategic Objectives.

The NEA is particularly interested in how these elements should be viewed in light of new and emerging challenges and opportunities, among other contextual factors.

Examples of these factors include, but are not limited to:

- The post-pandemic recovery of the arts sector;
- Changes in work-and-leisure patterns;
- The rise of virtual engagement in the arts;
- Growing integration of the arts with other sectors (*e.g.,* health, science, education, technology, community development); and
- Greater public attention to issues of diversity, equity, inclusion, accessibility, and social justice.

Authority: 5 U.S.C. 306.

Dated: February 22, 2021.

Anthony M. Bennett,

Director of Administrative Services and Contracts, National Endowment for the Arts.

[FR Doc. 2021–03929 Filed 3–9–21; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 202nd Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, notice is hereby given that a meeting of the National Council on the Arts will be held open to the public by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for meeting time and date. The meeting is Eastern time and the ending time is approximate.

ADDRESSES: The National Endowment for the Arts, Constitution Center, 400 Seventh Street SW, Washington, DC 20560. This meeting will be held by teleconference or videoconference. Please see *arts.gov* for the most up-to-date information.

FOR FURTHER INFORMATION CONTACT: Victoria Hutter, Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

SUPPLEMENTARY INFORMATION: The meeting on March 25, 2021, from 1:00 p.m. to 4:15 p.m., will be closed for discussion of National Medal of Arts nominations. If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the September 10, 2019 determination of the Chairman. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, to Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact Beth Bienvenu, Office of Accessibility, National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506, 202/682–5733, Voice/T.T.Y. 202/682–5496, at least seven (7) days prior to the meeting.

The upcoming meeting is:

National Council on the Arts 202nd Meeting

This portion of the meeting will be held open to the public by teleconference or videoconference.

Date and time: March 25, 2021; 4:30 p.m. to 5:00 p.m.

There will be opening remarks and voting on recommendations for grant funding and rejection, followed by updates from the Acting Chairman Ann C. Eilers.

To view the webcasting of this open session of the meeting, go to *Link: https://www.zoomgov.com/webinar/register/WN_q5uvvj-TSHa-NsI0b5fD9A.*

Dated: March 5, 2021.

Sherry P. Hale,

Staff Assistant, Office of Guidelines and Panel Operations.

[FR Doc. 2021–04986 Filed 3–9–21; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Engineering #1170.

Date and Time: April 7, 2021; 11:00 a.m. to 4:30 p.m.; April 8, 2021; 11:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 | Virtual.

Type of Meeting: Open.

Contact Person: Evette Rollins, *erollins@nsf.gov;* 703–292–8300; NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314. The forthcoming virtual meeting information and an updated agenda will be posted at *https://www.nsf.gov/events/event_summ.jsp?cntn_id=301612&org=ENG.*

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Wednesday, April 7, 2021

- Directorate for Engineering Report
- NSF Budget Update
- NSF Strategic Plan
- Report from Subcommittee on the SBIR/STTR Program
- Division of Engineering Education and Centers (EEC) Overview
- EEC Committee of Visitors (COV) Report
- Reports from Advisory Committee Liaisons
- Covid-19 Impacts and Response
- Preparation for Discussion with the Director's Office

Thursday, April 8, 2021

- Grid-Connected Testing Infrastructure for Networked Control of Distributed Energy Resources (DERConnect)
- Climate Change Research Directions for Engineering
- Perspectives from the Director's Office
- Roundtable on Strategic Recommendations for ENG

Dated: March 4, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–04896 Filed 3–9–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0065]

Fresh and Spent Fuel Pool Criticality Analyses

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 1.240, ''Fresh and Spent Fuel Pool Criticality Analyses.'' This regulatory guide (RG) describes an approach that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable to demonstrate that NRC regulatory requirements are met for subcriticality of fuel assemblies stored in fresh fuel vaults and spent fuel pools at light-water reactor (LWR) power plants. It endorses, with clarifications and exceptions, the Nuclear Energy Institute (NEI) guidance document NEI 12 16, ''Guidance for Performing Criticality Analyses of Fuel Storage at Light Water Reactor Power Plants,'' Revision 4.

DATES: RG 1.240 is available on March 10, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0065 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0065. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

RG 1.240 and the regulatory analysis may be found in ADAMS under Accession Nos. ML20356A127 and ML20205L563, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Kent Wood, Office of Nuclear Reactor Regulation, telephone: (301) 415–4120, email: *Kent.Wood@nrc.gov* and Mike Eudy, Office of Nuclear Regulatory Research, telephone: (301)–415–3104, email: *Michael.Eudy@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

II. Additional Information

RG 1.240 was issued with a temporary identification of Draft Regulatory Guide, (DG)–1373.The NRC published a notice of the availability of DG–1373 in the **Federal Register** on September 8, 2020 (85 FR 55522) for a 45-day public comment period. The public comment period closed on October 23, 2020. Public comments on DG–1373 and the staff responses to the public comments are available under ADAMS under Accession No. ML20356A123.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting and Issue Finality

New Regulatory Guide (RG) 1.240 does not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52. As explained in new RG 1.240, applicants and licensees would not be required to comply with the positions set forth in the RG.

Dated: March 4, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–04955 Filed 3–9–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–201; NRC–2020–0086]

New York State Energy Research and Development Authority; Irradiated Nuclear Fuel Processing Plant; Western New York State Nuclear Service Center

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Provisional Operating License No. CSF–1 for provisional operation of the Irradiated Nuclear Fuel Processing Plant located at the Western New York Nuclear Service Center (WNYNSC), in Cattaraugus and Erie Counties, New York. The proposed amendment would amend the Radiation Protection Plan for the ''retained premises of the licensed area'' for modernization. In addition, the New York State Energy Research and Development Authority (NYSERDA), the licensee, requested that the license be amended to clarify NYSERDA's health and safety and other responsibilities under the license. NYSERDA defines the ''retained premises of the licensed area'' as the area consisting of the WNYNSC, not including the U.S. Department of Energy (DOE) West Valley Demonstration

Project (WVDP) premises and the State Licensed Disposal Area (SDA).

DATES: Submit comments by April 9, 2021. Requests for a hearing or petition for leave to intervene must be filed by May 10, 2021.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0086. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Marlayna V. Doell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178, email: *Marlayna.Doell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0086 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0086.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ''Resubmittal of Request for License Amendment: Retained Premises Radiation Protection Requirements,'' is available in ADAMS under Accession No. ML20076C310. The supplemental information from the licensee is available in ADAMS under Accession No. ML20311A200. A public version of the CSF–1 Provisional Operating License and associated Technical Specifications is available in ADAMS under Package Accession No. ML21042A945.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0086, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to NYSERDA's Facility Provisional Operating License No. CSF–1 for provisional operation of the Irradiated Nuclear Fuel Processing Plant, located at the WNYNSC in Cattaraugus and Erie Counties, New York. Although portions of the site are actively being decommissioned by DOE under the West Valley Demonstration Project Act, 42 U.S.C. 2021a note, Public Law 96–868, 94 Stat. 1347 (1980) (WVDPA), NYSERDA retains responsibility for portions of the site known as the ''retained premises.''

The proposed amendment would amend the Radiation Protection Plan for the ''retained premises of the licensed area'' for modernization and would clarify NYSERDA's health and safety and other responsibilities under the license.

Before issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the applicable NRC regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that provisional operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The changes proposed in this license amendment involve the addition of license conditions to provide additional clarity on NYSERDA's authorities and responsibilities for health and safety of the facility under the license and replace existing radiation protection requirements in the license pertaining to the non-SDA, non-WVDP portions of the WNYNSC (the Retained Premises) where Part 50-Licensed radioactive materials are or may be present. There are no proposed changes to structures, systems, and components (SSCs) of the plant. There are no changes to any of the previously evaluated accidents in the final safety analysis report (FSAR). There are no changes to operating procedures or administrative controls that are credited as having the function of preventing or mitigating any accidents. Furthermore, there are no accidents previously evaluated involving the Retained Premises. In view of the foregoing and because the proposed license amendment would simply impose an upgraded and up-to-date radiation protection plan that is in compliance with the current 10 CFR part 20 and replace and supersede the outdated radiation protection requirements developed at the time of licensing the irradiated fuel processing facility, the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The changes proposed in this license amendment involve the addition of license conditions to provide additional clarity on

NYSERDA's authorities and responsibilities for health and safety of the facility under the license and replace existing radiation protection requirements in the license pertaining to the Retained Premises where Part 50-Licensed radioactive materials are or may be present. The proposed changes do not change the design function, or operation of any SSC described in the FSAR. The proposed changes do not create the possibility of a new or different kind of accident due to credible new failure mechanisms, malfunctions, or accident initiators not considered in the design and licensing bases. Furthermore, there are no accidents previously evaluated involving the Retained Premises portion of the WNYNSC. Thus, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The changes proposed in this license amendment involve the addition of license conditions to provide additional clarity on NYSERDA's authorities and responsibilities for health and safety of the facility under the license and replace existing radiation protection requirements in the license pertaining to the Retained Premises where Part 50-Licensed radioactive materials are or may be present. There are no safety margins that are used to demonstrate compliance with regulatory and licensing requirements described in the FSAR that apply to activities planned to be performed in the Retained Premises and the proposed license amendment would simply impose an upgraded and up-to-date radiation protection plan for the Retained Premises that is in compliance with the current 10 CFR part 20 and replace and supersede the outdated radiation protection requirements developed at the time of licensing the irradiated fuel processing facility. Thus, no safety margins are affected by the proposed changes and there is no significant reduction in any margin of safety previously identified in the license.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the proposed license amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in prevention of decommissioning of the facility under the WVDPA. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety

of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly

available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated February 6, 2020, as supplemented on March 11, 2020, and October 28, 2020 (ADAMS Accession Nos. ML20042D497, ML20076C310, and ML20311A200, respectively).

Attorney for licensee: Ms. Janice Dean, Deputy Counsel, New York State Energy Research and Development Authority, 9030B Route 219, West Valley, NY 14171–9500.

NRC Branch Chief: Bruce A. Watson, CHP.

Dated: March 5, 2021.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–05001 Filed 3–9–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

684th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on April 8–10, 2021. As part of the coordinated government response to combat the COVID–19 public health emergency, the Committee will conduct virtual meetings. The public will be able to participate in any open sessions via 1–866–822–3032, pass code 8272423#. A more detailed agenda may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.*

Thursday, April 8, 2021

9:30 a.m.–9:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

9:35 a.m.–10:45 a.m.: Regulatory Guide (RG) 4.26, ''Volcanic Hazard Assessments for Nuclear Power Reactor Sites'' (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

10:45 a.m.–11:30 a.m.: Committee Deliberation on RG 4.26, ''Volcanic Hazard Assessments for Nuclear Power Reactor Sites'' (Open)—The Committee will have discussion regarding the subject topic.

11:30 a.m.–1:30 p.m.: Overview of the NRC Safety Research Program Related to the Biennial Review (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

3:30 p.m.–6:00 p.m.: NuScale Topical Report, ''Control Room Staffing'' (Open/Closed)—The Committee will have presentations and discussion with representatives from the NRC staff and NuScale regarding the subject topic. [**Note:** Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

6:00 p.m.–6:30 p.m.: Committee Deliberation on NuScale Topical Report, ''Control Room Staffing) (Open/Closed)—The Committee will have discussion regarding the subject topic. [**Note:** Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, April 9, 2021

9:30 a.m.–12:30 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [**Note:** Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, trade secrets and commercial or financial information obtained from a person and privileged or confidential, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

[**Note:** Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Saturday, April 10, 2021

9:30 a.m.–2:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

[**Note:** Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, trade secrets and commercial or financial information obtained from a person and privileged or confidential, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted

above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Dated: March 5, 2021.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2021–04952 Filed 3–9–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; NRC–2021–0017]

ADP CR3, LLC; Crystal River Unit 3 Nuclear Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a January 19, 2021, request from ADP CR3, LLC (ADP CR3) for the Crystal River Unit 3 Nuclear Plant, from the requirement to investigate and report to the NRC when ADP CR3 does not receive notification of receipt of a shipment, or part of a shipment, of low-level radioactive waste within 20 days after transfer from the Crystal River facility. ADP CR3 requested that the time period for it to receive acknowledgement that the shipment has been received by the intended recipient be extended from 20 to 45 days to avoid an excessive administrative burden as operational experience indicates that rail or mixed mode shipments may take more than 20 days to reach their destination.

DATES: The exemption was issued on March 3, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0017 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0017. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Hickman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3017, email: *john.hickman@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: March 5, 2021.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

Attachment—Exemption.

Nuclear Regulatory Commission

Docket No. 50–302

ADP CR3, LLC

Crystal River Unit 3 Nuclear Plant

I. Background

The Crystal River Unit 3 Nuclear Plant (CR–3), licensed under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 (License No. DPR–72, Docket No. 50–302), is located in Citrus County, Florida. CR–3 has been shutdown since September 26, 2009. Subsequently, the licensee determined that issues with containment integrity could not be satisfactorily resolved and decided not to attempt to restart the facility. On May 28, 2011, Duke Energy Florida, LLC (DEF) completed the removal of fuel from the reactor vessel at CR–3. By letter dated February 20, 2013 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML13056A005), DEF submitted to the U.S. Nuclear Regulatory Commission (NRC) certifications in accordance with 10 CFR 50.82(a)(1)(i) indicating it would permanently cease power operations, and with 10 CFR 50.82(a)(1)(ii) that it had permanently defueled the reactor vessel at CR–3. The spent fuel is currently being stored onsite in a spent fuel pool (SFP).

The CR–3 operating license was transferred to ADP CR3, LLC (ADP CR3) by NRC Order issued April 1, 2020 (ADAMS Accession No. ML20069A028). Upon implementation of the license transfer on October 1, 2020, ADP CR3 commenced dismantlement and decommissioning activities at the CR–3 site that included the generation of low-level radioactive waste. This waste is primarily destined for transfer to distant locations such as the Waste Control Specialists (WSC) disposal site in Andrews, Texas by rail or mixed mode shipment, such as a combination of truck/rail/barge shipments.

II. Request/Action

By letter dated January 19, 2021 (ADAMS Accession No. ML21019A464), ADP CR3 requested an exemption from 10 CFR part 20, Appendix G, ''Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests,'' section III.E, for disposals from the CR–3 facility.

Section III.E requires that the shipper of any low-level radioactive waste to a licensed land disposal facility must investigate and trace the shipment if the shipper has not received notification of the shipment's receipt by the disposal facility within 20 days after transfer. In addition, Section III.E requires licensees to report such missing shipments to the NRC. Specifically, ADP CR3 is requesting an exemption from the requirements in 10 CFR part 20, Appendix G, Section III.E, under the provisions of 10 CFR 20.2301, ''Applications for exemptions,'' to extend the time period for ADP CR3 to receive acknowledgement that the shipment has been received from 20 to 45 days after transfer for a rail or mixed

mode shipment from CR–3 to the intended recipient.

Inherent to the decommissioning process, large volumes of low-level radioactive waste are generated and require disposal. Experience with waste shipments from CR–3 and other decommissioning power reactor sites indicates that rail or mixed-mode transportation time to waste disposal facilities has, in several instances, exceeded the 20-day receipt of notification requirement. For example, in December 2020, ADP CR3 shipped six rail cars, three containing EXEMPT materials and three containing UN2912 LSA–1 materials to the WCS disposal facility in Andrews, Texas. The total transit time between when the railcars were released from the CR3 facility until verification of receipt was received for the six railcars ranged from thirty (30) to forty-one (41) days. Further, in June 2019, Vermont Yankee (VY) shipped two railcars containing four (4) freight containers each of low-level radioactive waste to the WCS disposal facility in Andrews, Texas. The total transit time between when the railcars were released from the VY facility until verification of receipt was received for the two railcars ranged from thirty-three (33) to forty (40) days. Finally, on September 11, 2014, ZionSolutions shipped two gondola railcars of low-level radioactive waste to the EnergySolutions' Clive Disposal Facility in Clive, UT. The railcars reported to the Clive Facility on October 9, 2014, a duration of 28 days. In addition, administrative processes at the disposal facility and mail delivery times can further delay the issuance or arrival of the receipt of notification.

III. Discussion

A. The Exemption Is Authorized by Law

The NRC's regulations in 10 CFR 20.2301 allow the Commission to grant exemptions from the requirements of the regulations in 10 CFR part 20 if it determines the exemption would be authorized by law and would not result in undue hazard to life or property. There are no provisions in the Atomic Energy Act of 1954, as amended (or in any other Federal statute) that impose a requirement to investigate and report on low-level radioactive waste shipments that have not been acknowledged by the recipient within 20 days of transfer. Therefore, the NRC staff concludes that there is no statutory prohibition on the issuance of the requested exemption and the NRC is authorized to grant the exemption by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The purpose of 10 CFR part 20, Appendix G, Section III.E is to require licensees to investigate, trace, and report radioactive shipments that have not reached their destination, as scheduled, for unknown reasons.

Data from CR–3 (for example, see ADP CR3 report on investigation pursuant to 10 CFR part 20, Appendix G (ADAMS Accession No. ML21019A458)) found that several shipments took longer than 20 days, from 30 to 41 days, to reach the Waste Control Specialists disposal facility in Andrews, Texas once they left the CR–3 facility. The NRC acknowledges that, based on the history of low-level radioactive waste shipments from CR–3, the need to investigate, trace and report on shipments that take longer than 20 days could result in an excessive administrative burden on the licensee. As noted above, shipping times have frequently exceeded 20 days and have taken up to 41 days. As stated in the request for exemption for rail shipments, ADP CR3 utilizes an electronic data tracking system interchange, or similar tracking systems that allows monitoring the progress of the shipments on a daily basis.

The requirement to investigate a late shipment that may be lost, misdirected, or diverted helps prevent any inadvertent radiological exposure to the public from the radioactive materials in the shipment. Because of the oversight and monitoring of radioactive waste shipments throughout the entire journey from CR–3 to the disposal site, it is unlikely that a shipment could be lost, misdirected, or diverted without the knowledge of the carrier or ADP CR3; therefore, there is no potential health and safety concern presented by the requested exemption. This oversight and monitoring would facilitate a prompt investigation of a loss, misdirection or diversion which would minimize any adverse impact. By extending the elapsed time for receipt acknowledgment to 45 days before requiring investigations, tracing, and reporting, a reasonable upper limit on shipment duration (based on historical analysis) is still maintained if a breakdown of normal tracking systems were to occur. Consequently, the NRC finds that extending the receipt of notification period from 20 to 45 days after transfer of the low-level radioactive waste as described by ADP CR3 in its January 19, 2021, letter would not result in an undue hazard to life or property.

C. Categorical Exclusion

With respect to compliance with Section 102(2) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2) (NEPA), the NRC staff has determined that the proposed action, namely, the approval of the ADP CR3 exemption request, is within the scope of the categorical exclusions listed at 10 CFR 51.22(c)(25). The proposed action presents (i) no significant hazards considerations; (ii) would not result in a significant change in the types, or significant increase in the amounts, of any effluents that may be released offsite; (iii) would not result in a significant increase in individual or cumulative public or occupational radiation exposure; (iv) has no significant construction impact; (v) does not present a significant increase in the potential for or consequences from radiological accidents. The requirements from which an exemption is sought involves reporting requirements under 10 CFR 51.22(c)(25)(vi)(B) and inspection or surveillance requirements under 10 CFR 51.22(c)(25)(vi)(C). Therefore, no further analysis is required under NEPA.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the exemption is authorized by law and will not result in undue hazard to life or property. Therefore, the Commission hereby grants ADP CR3 an exemption from 10 CFR part 20, Appendix G, Section III.E to extend the receipt of notification period from 20 days to 45 days after transfer for rail or mixed-mode shipments of low-level radioactive waste from the CR–3 facility to a licensed land disposal facility.

[FR Doc. 2021–04997 Filed 3–9–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

TIME AND DATE: March 9, 2021, at 11:30 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Compensation and Personnel Matters.

2. Administrative Items.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2021–05098 Filed 3–8–21; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91257; File No. SR–CBOE–2020–106]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend its Rules Regarding the Minimum Increments for Electronic Bids and Offers and Exercise Prices of Certain FLEX Options and Clarify in the Rules How the System Ranks FLEX Option Bids and Offers for Allocation Purposes

March 4, 2021.

On November 16, 2020, Cboe Exchange, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules regarding the minimum increments for electronic bids and offers and exercise prices of certain FLEX options and clarify how the system ranks FLEX option bids and offers for allocation purposes. On November 30, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety. The Commission published notice of the proposed rule change, as modified by Amendment No. 1, in the **Federal Register** on December 4, 2020.[3] On January 14, 2021, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has received no comments on the proposal. This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule change.

I. Description of the Proposal

The Exchange has proposed to amend the minimum increments for bids and offers and exercise prices of flexible exchange options (''FLEX Options'') [7] submitted to an electronic FLEX auction and make related changes to its rules.

The Exchange is proposing to change the permissible minimum increment for exercise price. The Exchange's rules provide that, when submitting a FLEX Order,[8] the submitting FLEX trader must include all the required terms of a FLEX Options series, including an exercise (or strike) price.[9] According to the Exchange, the exercise price of a FLEX Option may currently be expressed as either (1) a fixed price expressed in terms of dollars and decimals or a specific index value, as applicable (which may not be smaller than $0.01), or (2) a percentage of the closing value of the underlying equity security or index, as applicable, on the trade date (which may not be smaller than 0.01%).[10] The Exchange is proposing to amend CBOE Rule 4.21(b)(6)(A) to provide that, for FLEX Orders submitted to an electronic FLEX auction: (1) An exercise price expressed as a fixed price may be in increments no smaller than $0.001; and (2) an exercise price expressed as a percentage of the closing value of the underlying equity security or index, as applicable, on the trade date may be in increments no smaller than 0.0001%.[11]

The Exchange also proposes to amend CBOE Rule 4.21(b)(6) to state that the Exchange may determine the smallest increment for exercise prices of FLEX Options on a class-by-class basis. The Exchange states that this codifies its longstanding interpretation of the current rule, which references the minimum increment for bids and offers as set forth in CBOE Rule 5.4. CBOE Rule 5.4(c)(4) provides that the Exchange may determine the minimum increment for bids and offers on FLEX Options on a class-by-class basis, which may be no smaller than the amounts specified in that rule. The Exchange states that it has therefore interpreted CBOE Rule 4.21(b)(6) to mean that those same provisions apply to the minimum increments for exercise prices for FLEX Options. The proposed rule change also adds to CBOE Rule 4.21(b)(6)(A)(ii) that the Exchange's system rounds the actual exercise price to the nearest fixed price minimum increment for bids and offers in the class (as set forth in CBOE Rule 5.4).

The Exchange is also proposing to amend the permissible minimum increment for bids and offers. The Exchange proposes to amend CBOE Rule 5.4(c)(4)(B), which currently provides that the minimum increment for bids and offers on FLEX Options with (1) an exercise price expressed as a fixed price may not be smaller than $0.01 and (2) an exercise price expressed as a percentage of the closing value of the underlying equity security or index on the trade date may not be smaller than 0.01%.[12] As proposed, CBOE Rule 5.4(c)(4) would provide that the minimum increment for bids and offers, for FLEX Orders and auction responses submitted to an electronic FLEX auction, with (1) an exercise price expressed as a fixed price may not be smaller than $0.001; and (2) an exercise price expressed as a percentage of the closing value of the underlying equity security or index on the trade date may not be smaller than 0.0001%.[13]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90536 (November 30, 2020), 85 FR 78381.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90926, 86 FR 6710 (January 22, 2021). The Commission designated March 4, 2021, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* CBOE Rule 1.1.

[8] A ''FLEX Order'' is an order submitted in a FLEX Option. *See* CBOE Rule 5.70.

[9] *See* CBOE Rule 4.21(b) for a description of the terms of a FLEX Option series that a submitting FLEX trader must include in a FLEX Order.

[10] *See* CBOE Rule 4.21(b)(6). The Exchange states that, while the specific minimums for the exercise price are not currently included in CBOE Rule 4.21(b)(6), that rule indicates that the Exchange's system rounds the exercise price to the nearest minimum increment as set forth in CBOE Rule 5.4, and the Exchange has interpreted the rule to mean that the minimum increment for the exercise price of FLEX Options is the same as the minimum increment for bids and offers of FLEX Options. The term ''trade date'' as used herein refers to the date on which the FLEX Option was bought or sold (*i.e.,* the date on which the FLEX Option trade occurs).

[11] The Exchange states that the proposed rule change will have no impact on the smallest increment for exercise prices for open outcry FLEX Orders and auction responses, which may be no smaller than $0.01 (if the exercise price for the FLEX Option series is a fixed price) or 0.01% (if the exercise price for the FLEX Option series is a percentage of the closing value of the underlying equity security or index on the trade date). The proposed rule change adds language to clarify that these minimum increments for bids and offers will continue to apply to FLEX Orders and auction responses submitted to an open outcry auction. *See* proposed CBOE Rule 4.21(b)(6)(A).

[12] The Exchange determines the minimum increment for bids and offers on FLEX Options on a class-by-class basis. *See* CBOE Rule 5.4(c)(4).

[13] The Exchange states that the proposed rule change will have no impact on the minimum increment for bids and offers for open outcry FLEX Orders and auction responses, which minimum increment for bids and offers will continue to be $0.01 (if the exercise price for the FLEX Option series is a fixed price) or 0.01% (if the exercise price for the FLEX Option series is a percentage of

Continued

In addition, the Exchange proposes to amend CBOE Rule 5.3(e)(3), which currently states that bids and offers for FLEX Options must be expressed in (a) U.S. dollars and decimals, if the exercise price for the FLEX Option series is a fixed price, or (b) a percentage, if the exercise price for the FLEX Option series is a percentage of the closing value of the underlying equity security or index on the trade date, per unit of the underlying security or index, as applicable. The Exchange's system rounds bids and offers to the nearest minimum increment. The proposed rule change states that bids and offers would be in the applicable minimum increment as set forth in CBOE Rule 5.4. As proposed, CBOE Rule 5.3(e)(3) would also state that the system rounds the final transaction prices to the nearest minimum fixed price increment for the class as set forth in CBOE Rule 5.4(c)(4)(A).

The Exchange also proposes to amend CBOE Rules 5.72(c)(3)(A) and (d)(2), 5.73(e), and 5.74(e) to state how FLEX auction response bids and offers (as well as Initiating Orders and Solicitation Orders with respect to FLEX AIM Auctions and FLEX SAM Auctions, respectively) are ranked during the allocation process following each type of FLEX auction (*i.e.,* electronic FLEX Auction, open outcry FLEX Auction, FLEX AIM Auction, and FLEX SAM Auction, respectively). The Exchange proposes to state that, for purposes of ranking responses, when determining how to allocate an order and responses, the term ''price'' refers to (1) the dollar and decimal amount of the order or response bid or offer or (2) the percentage value of the order or response bid or offer, as applicable. According to the Exchange, FLEX Orders will always first be allocated to responses at the best price, as applicable.[14] With respect to responses to all types of FLEX auctions for a FLEX Option series with an exercise price expressed as a dollar and decimal, the ''prices'' at which FLEX traders submitting responses are competing are the dollar and decimal amounts of the response bids and offers entered as fixed amounts (as is the case with all non-FLEX options), and the Exchange states that the proposed rule change codifies this in the Exchange's rules. With respect to responses to all types of FLEX auctions for a FLEX Option series with an exercise price expressed as a percentage, the ''prices'' at which FLEX traders submitting responses are competing are the percentage values of the response bids and offers entered as percentages (which ultimately become a dollar value after the closing value for the underlying security or index, as applicable, is available), and according to the Exchange, the proposed rule change codifies this in its rules.

II. Proceedings To Determine Whether To Approve or Disapprove SR–CBOE–2020–106 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [15] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as stated below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposal.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[16] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with the Exchange Act, and, in particular, with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[17]

FLEX Options allow market participants certain flexibility in setting specific terms of a FLEX Options contract consistent with Exchange rules.[18] The proposal would permit traders to establish exercise prices for FLEX Options that are in smaller increments than those available on the non-FLEX options market.[19] As a result, the proposal would permit trading of FLEX and non-FLEX options that are in all terms the same, but for a differentiation of $0.001 or 0.0001% of the exercise price. Therefore, under the proposal, FLEX Options, with no meaningful economic difference from non-FLEX options that overly the same underlying security or index, could avoid the priority and price protections provided to customer orders that exist in the non-FLEX options market by permitting such FLEX Option orders to trade ahead of customers on the Exchange's order book and/or trade through the national best bid or offer (''NBBO'') in the non-FLEX options market. Accordingly, the proposal could allow FLEX Options, with decimal exercise price differences that, for all practical purposes, are insignificant as compared to the exercise price of a non-FLEX option, to gain priority over economically equivalent non-FLEX option customer orders on the book and/or trade through the NBBO. As a result, there are questions as to whether the proposal is consistent with Section 6(b)(5) of the Exchange Act and the requirements that the rules of the exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and in general, to protect investors and the public interest.

While the Exchange states that there is demand from customers for the additional precision the proposal would allow and that the proposal would encourage trading of customized options that is currently available on the OTC market, the Exchange does not address the impact on customers and market quality in the Exchange's non-FLEX options market. Accordingly, the proposal raises questions as to whether any potential benefit of order flow migrating from the OTC market to the Exchange would outweigh the potential costs of orders moving from the non-FLEX options market to the less transparent FLEX Options market and the impact on market quality and customer orders in the non-FLEX options market.

the closing value of the underlying equity security or index on the trade date). The proposed rule change adds language to clarify that these minimum increments for bids and offers will continue to apply to FLEX Orders and auction responses submitted to an open outcry auction. *See* proposed CBOE Rule 5.4(c)(4)(B).

[14] The Exchange states that the proposed rule change also clarifies this in CBOE Rule 5.72(d)(2) by adding a cross-reference to CBOE Rule 5.85(a)(1), which states that, with respect to open outcry trading on the Exchange's trading floor, bids and offers with the highest bid and lowest offer have priority. The Exchange states that this is a nonsubstantive change that is currently true for open outcry FLEX auctions, and the proposed rule change merely makes this explicit in CBOE Rule 5.72(d)(2), which cross-reference was previously inadvertently omitted from the Exchange's rules.

[15] 15 U.S.C. 78s(b)(2)(B).

[16] *Id.*

[17] 15 U.S.C. 78f(b)(5).

[18] *See* CBOE Rules 4.20–4.22.

[19] *See, e.g.,* Interpretations and Policies to CBOE Rule 4.5.

The proposal would also permit FLEX traders to submit bids and offers, and therefore trade at prices, that are in smaller increments than those available on the non-FLEX options market. The Exchange asserts that, because the electronic auction responses are generally not visible to other FLEX traders, and there is no displayed liquidity to step ahead of, traders will be unable to purposefully increase bids and offers by trivial amounts and step ahead of other traders' prices. The Exchange also states that auction prices are not intended to serve as a price-setting function. The Exchange states it believes that, as a result of these factors, sub-increment bids and offers for electronic FLEX auctions will not diminish liquidity in FLEX auctions. Auction prices for FLEX SAM Auctions, however, are disseminated. With respect to FLEX SAM Auctions, the proposal could increase the risk that traders can step ahead of other traders by amounts that are economically insignificant. In its proposal, the Exchange did not address this risk and the potential impact of the proposal on FLEX SAM Auctions and its consistency with Section 6(b)(5) of the Exchange Act including, among others, investor protection.

Moreover, the Exchange does not explain how it will ensure that, under the proposed decimal pricing, bids and offers are being improved at increments that are meaningful to market participants.[20] There is potential that the increased complexity created by the proposed pricing increments could have the effect of reducing participation in FLEX auctions and thereby lead to less competitive prices. The Exchange itself has acknowledged in a different context in another proposal that de minimis price improvement may discourage market participants from providing contra-side interest at the best prices and liquidity providers from joining or improving at meaningful increments.[21] In its proposal, the Exchange did not address if the increased pricing options could similarly have the potential to make it harder for market participants to anticipate auction prices, which could affect market quality and decrease FLEX Options market participation.[22]

Finally, the Exchange states that it is codifying its policy to rank exercise prices based on percentages prior to converting them to dollar amounts once the closing price is available. The Exchange states it has always ranked percentage orders this way. The Exchange does not discuss, however, that if the order had been ranked at the close, some percentage responses would be rounded to the same price as other percentage responses, and therefore, be able to participate in the order. The Exchange does not address that, in the example it provided in its filing, a percentage sell response of 7.02% would currently round to the same two decimals as the sell response of 7.01%, but given the ranking at the end of the auction before rounding, only the 7.01% response would receive the execution. While there may be a reasonable rationale for ranking prior to rounding, the Exchange should address why it believes ranking as proposed is consistent with the Exchange Act.

The Commission notes that, under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder . . . is on the self-regulatory organization [''SRO''] that proposed the rule change.[23] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[24] and any failure of an SRO to provide this information may result in the Commission not having sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rule and regulations.[25]

For these reasons, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[26] to determine whether the proposal should be approved or disapproved.

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[27]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by March 31, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 14, 2021.

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[28] in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–106 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

[20] For example, it is possible traders could use open outcry on the trading floor to obtain a quote, and then use this information to enter an economically equivalent option in a FLEX auction at a de minimis price difference.

[21] *See* Securities Exchange Act Release No. 89638 (August 21, 2020), 85 FR 53045 (August 21, 2020) (SR–CBOE–2020–052) at 36925 stating, among other things, that ''. . . . the Exchange believes that the current manner in which de minimis price improvement may occur via C–AIM, as well as FLEX C–AIM, Auctions in connection with Index Combo Orders in SPX (*i.e.,* potentially only improved in sub-penny increments) may discourage market participants from providing contra-side interest at the best prices and liquidity providers from joining or improving at meaningful increments.''

[22] *Id.* at 30348 stating, among other things, that ''The Exchange believes that lack of an indication of where an auction is set to begin, like the ballpark figure provided by the trading crowd when crossing on the trading floor, may cause apprehension in pricing competitive responses during the electronic auctions in SPX, which may reduce liquidity and price improvement during such auctions.''

[23] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[24] *See id.*

[25] *See id.*

[26] 15 U.S.C. 78s(b)(2)(B).

[27] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[28] *See supra* note 3.

All submissions should refer to File Number SR–CBOE–2020–106. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2020–106 and should be submitted on or before March 31, 2021. Rebuttal comments should be submitted by April 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04911 Filed 3–9–21; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91254; File No. SR–Phlx–2020–41]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Options on a Nasdaq-100 Volatility Index

March 4, 2021.

On August 24, 2020, Nasdaq PHLX LLC (''Exchange'' or ''Phlx'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on a Nasdaq-100 Volatility Index. The proposed rule change was published for comment in the **Federal Register** on September 8, 2020.[3]

On October 20, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 4, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule change.[7]

Section 19(b)(2) of the Exchange Act [8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on September 8, 2020. March 7, 2021 is 180 days from that date, and May 6, 2021 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,[9] designates May 6, 2021 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–Phlx–2020–41).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04909 Filed 3–9–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89725 (September 1, 2020), 85 FR 55544 (''Notice''). Comments on the proposed rule change can be found on the Commission's website at: *https://www.sec.gov/comments/sr-phlx-2020-41/srphlx202041.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90226, 85 FR 67781 (October 26, 2020). The Commission designated December 7, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 90573, 85 FR 79552 (December 10, 2020).

[8] 15 U.S.C. 78s(b)(2).

[9] *Id.*

[10] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34220; File No. 812–15140]

Brighthouse Life Insurance Company, et al.

March 4, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order approving the substitution of certain securities pursuant to section 26(c) of the Investment Company Act of 1940, as amended (the ''Act'') and an order of exemption pursuant to section 17(b) of the Act from section 17(a) of the Act.

APPLICANTS: Brighthouse Life Insurance Company (''BLIC''), Brighthouse Life Insurance Company of NY (''BLIC NY'' and, together with BLIC, the ''Companies''), Brighthouse Fund UL for Variable Life Insurance (''Fund UL''), Brighthouse Separate Account A (''Separate Account A''), Brighthouse Separate Account Eleven for Variable Annuities (''Separate Account Eleven''), and Brighthouse Variable Annuity Account B (''Variable Account B,'' and together with Fund UL, Separate Account A, and Separate Account Eleven, the ''Separate Accounts,'' and

collectively with the Companies, the ''Section 26 Applicants''); and Brighthouse Funds Trust I (''BFT I,'' and collectively with the Section 26 Applicants, the ''Section 17 Applicants'' or ''Applicants'').

SUMMARY OF APPLICATION: The Section 26 Applicants seek an order pursuant to section 26(c) of the Act, approving the proposed substitution (''Substitution'') of Loomis Sayles Growth Portfolio (the ''Replacement Fund''), a series of BFT I, for shares of ClearBridge Variable Aggressive Growth Portfolio (the ''Existing Fund''), a series of Legg Mason Partners Variable Equity Trust, held by the Separate Accounts to fund certain variable annuity insurance contracts and variable life insurance contracts (collectively, the ''Contracts''). The Section 17 Applicants seek an order pursuant to section 17(b) of the Act exempting them from section 17(a) of the Act to the extent necessary to permit them to engage in certain in-kind transactions in connection with the Substitution (''In-Kind Transactions'').

FILING DATES: The application was filed on July 6, 2020 and amended on November 19, 2020, February 10, 2021, and March 3, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on March 29, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Ms. Michele Abate, *mabate1@brighthousefinancial.com.*

FOR FURTHER INFORMATION CONTACT: Harry Eisenstein, Senior Special Counsel, at (202) 551–6764 or Kaitlin C. Bottock, Branch Chief at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an Applicant using the Company name box, at *http://www.sec.gov.search/search.htm*, or by calling (202) 551–8090.

Applicants' Representations

1. BLIC is a stock life insurance company organized under the laws of the state of Delaware and is an indirect, wholly owned subsidiary of Brighthouse Financial, Inc., a publicly owned company. BLIC is the depositor and sponsor of Fund UL, Separate Account A and Separate Account Eleven.

2. BLIC NY is a stock life insurance company organized under the laws of the state of New York and is a wholly owned subsidiary of BLIC. BLIC NY is the depositor and sponsor of Separate Account B.

3. The Separate Accounts are registered with the Commission under the Act as unit investment trusts for the purpose of funding the Contracts. Each Separate Account is divided into subaccounts that reflect the investment performance of registered investment companies, such as BFT I, or series of BFT I (''investment options'').

4. BFT I is a Delaware statutory trust registered under the 1940 Act as an open-end, management investment company with multiple series, and its securities are registered under the 1933 Act.

5. The Contracts are individual variable annuity and variable life insurance contracts. Each Contract is registered under the Securities Act of 1933, as amended (the ''1933 Act''). The Contracts allow Contract owners to allocate premium and Contract value among the subaccounts investing in a number of investment options, which are advised and/or sub-advised by investment managers that are affiliated and unaffiliated with the Section 17 Applicants.

6. As set forth under each Contract, as well as in the prospectus for each Contract, the Companies reserve the right to substitute shares of the underlying fund for shares of another underlying fund.

7. The Companies, on their own behalf and on behalf of their Separate Accounts, propose to exercise their contractual rights to substitute Class A and Class B shares of the Replacement Fund for Class I and Class II shares of the Existing Fund, respectively.[1]

8. The Section 26 Applicants state that the Substitution is part of an ongoing effort by the Companies to make their Contracts more attractive to existing and prospective Contract owners. Additional information for the Existing Fund and the Replacement Fund, including investment objectives, principal investment strategies, principal risks, and performance, as well as the fees and expenses of the Existing Fund and the Replacement Fund, can be found in the application.

9. The Section 26 Applicants state that the Substitution will be described in supplements to the applicable prospectuses (''Supplements'') for the Contracts filed with the Commission and delivered to all affected Contract owners at least 30 days before the Substitution Date. Each Supplement, among other things, will advise Contract owners that, for a period beginning 30 days before the Substitution Date through at least 30 days following the Substitution Date, Contract owners are permitted to make at least one transfer of Contract value from the subaccount investing in the Existing Fund or the Replacement Fund to any other available investment option offered under their Contracts without the transfer being counted as a transfer for purposes of transfer limitations and fees that would otherwise be applicable under the terms of the Contracts. In addition, each Supplement will disclose the existence and effect of the Multi-Manager Order (defined below) on which the Replacement Fund relies.[2]

10. The Section 26 Applicants will send the Supplements to all affected Contract owners. Prospective purchasers and new purchasers of Contracts will be provided with a Contract prospectus and the Supplement, as well as the prospectus and any supplements for the Replacement Fund.

11. In addition to the Supplement distributed to Contract owners, within five business days after the Substitution Date, affected Contract owners will be sent a written confirmation of the completed Substitution in accordance with Rule 10b–10 under the Securities Exchange Act of 1934. The confirmation statement will include or be accompanied by a statement that reiterates the free transfer rights disclosed in the Supplement. The Companies also will send each Contract

[1] The Replacement Fund is a series of BFT I and is advised by Brighthouse Investment Advisers (''BIA''), an affiliate of the Companies.

[2] Pursuant to exemptive orders issued to N *ew England Funds Trust I, et al.,* Investment Company Act Release. No. 22796 (Aug. 29, 1997) (notice); Investment Company Act Release. No.22824 (Sept. 17, 1997) (order); and Investment Company Act Release. No.23829 (May 10, 1999) (notice); Investment Company Act Release. No. (June 4, 1999) (amended order) (the ''Multi-Manager Order''), BIA is authorized to enter into and amend sub- advisory agreements with sub-advisers who are not affiliated with BIA without shareholder approval under certain conditions.

owner a current prospectus for the Replacement Fund to the extent that they have not previously received a copy.

12. The Substitution will be effected at the relative net asset value (''NAV'') in conformity with section 22(c) of the Act and rule 22c–1 thereunder. The Substitution will be effected by having each subaccount investing in the Existing Fund redeem its Existing Fund shares in cash and/or in-kind (as described herein) on the Substitution Date at NAV per share and purchase shares of the Replacement Fund at NAV per share calculated on the same date.

13. The Companies or an affiliate will pay all expenses and transaction costs reasonably related to the Substitution. No costs of the Substitution will be borne directly or indirectly by Contract owners. Contract owners will not incur any fees or charges as a result of the Substitution, nor will their rights or the obligations of the Companies under the Contracts be altered in any way. The Substitution will not cause the fees and charges under the Contracts currently being paid by Contract owners to be greater after the Substitution than before the Substitution. The charges for optional living benefit riders may change from time to time and any such changes would be unrelated to the Substitution. In addition, the Substitution will in no way alter the tax treatment of affected Contract owners in connection with their Contracts, and no tax liability will arise for Contract owners as a result of the Substitution.

14. The Section 26 Applicants state that the Contract value for each Contract owner impacted by the Substitution will not change as a result of the Substitution. In addition, the Section 26 Applicants also state that the benefits offered by the guarantees under the Contracts will be the same immediately before and after the Substitution. The Section 26 Applicants further state that the effect Substitution may have on the value of the benefits offered by the Contract guarantees would depend, among other things, on the relative future performance of the Existing Fund and the Replacement Fund, which the Section 26 Applicants cannot predict. The Section 26 Applicants further note that, at the time of the Substitution, the Contracts will offer a comparable variety of investment options with as broad a range of risk/return characteristics.

15. The Section 26 Applicants represent that, for a period of two years following the date the Substitution is effected (the ''Substitution Date''), BLIC, BLIC NY or an affiliate (other than BFT I) will reimburse, on the last day of each fiscal quarter, the Contract owners whose subaccounts invest in the Replacement Fund to the extent the annual net operating expenses (taking into account fee waivers and expense reimbursements) of each share class of the Replacement Fund for such period exceed, on an annualized basis, the annual net operating expenses of the corresponding share class of the Existing Fund for fiscal year 2019. Further, any amounts waived or reimbursed by BIA will not be subject to recoupment rights. In addition, the Section 26 Applicants will not increase separate account charges for any Contract owner on the Substitution Date at any time during the two-year period following the Substitution Date.

Legal Analysis—Section 26(c) of the Act

1. The Section 26 Applicants request that the Commission issue an order pursuant to section 26(c) of the Act approving the Substitution. Section 26(c) prohibits any depositor or trustee of a unit investment trust that invests exclusively in the securities of a single issuer from substituting the securities of another issuer without the approval of the Commission. Section 26(c) provides that such approval shall be granted by order from the Commission if the evidence establishes that the substitution is consistent with the protection of investors and the purposes of the Act.

2. The Section 26 Applicants submit that the Substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In particular, the Section 26 Applicants point to the following: (a) The Contracts permit the Substitution, subject to Commission approval and compliance with applicable laws, upon appropriate notice; (b) the prospectuses or statements of additional information for the Contracts contain appropriate disclosure of these rights; (c) the Substitution will be described in the Supplements delivered to all affected Contract owners at least 30 days before the Substitution Date; (d) the Supplements also will advise Contract owners that, for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date, Contract owners are permitted to make at least one transfer of Contract value from the subaccount investing in the Existing Fund to any other available subaccounts offered under their Contract without any transfer charge or limitation and without the transfer being counted as a transfer for purposes of transfer limitations and fees that would otherwise be applicable under the terms of the Contracts; (e) the Replacement Fund and the Existing Fund have similar or substantially similar investment objectives, principal investment strategies, and principal risks; and (f) the total net operating expenses of the Replacement Fund will be the same or lower than those of the Existing Fund for at least two years following the Substitution Date. The Section 26 Applicants assert that, based on the terms noted above, and subject to the conditions set forth below, the Substitution does not raise the concerns underlying section 26(c).

Legal Analysis—Section 17(a) of the Act

1. The Section 17 Applicants request an order under section 17(b) exempting them from the provisions of section 17(a) to the extent necessary to permit the Section 17 Applicants to carry out the Substitution. The Section 17 Applicants state that because the Substitution may be effected, in whole or in part, by means of in-kind redemptions and purchases, the Substitution may be deemed to involve one or more purchases or sales of securities or property between affiliated persons.

2. Section 17(a)(1) of the Act, in relevant part, prohibits any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from knowingly selling any security or other property to that company. Section 17(a)(2) of the Act generally prohibits the persons described above, acting as principals, from knowingly purchasing any security or other property from the registered investment company. ''Affiliated person'' is defined in section 2(a)(3) of the Act.[3]

3. To effect the Substitution, the Companies will redeem shares of the Existing Fund either in-kind or in cash, and use the proceeds of such redemptions to purchase shares of the Replacement Fund. Thus, the proposed transactions may involve a transfer of portfolio securities by the Existing Fund to the Companies. Immediately

[3] Section 2(a)(3) defines affiliated person as ''(A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof.''

thereafter, the Companies would purchase shares of the Replacement Fund with the portfolio securities and/or cash received from the Existing Fund. This aspect of the Substitution may be considered to involve one or more sales by the Companies of securities or other property to the Replacement Fund. Based on the affiliations detailed in the application, these In-Kind Transactions may be prohibited by section 17(a)(1) and (2) of the Act.

4. Section 17(b) of the Act, in relevant part, provides that, notwithstanding subsection (a), any person may file with the Commission an application for an order exempting a proposed transaction from one or more provisions of section 17(a). Pursuant to section 17(b), the Commission shall grant such application and issue such order of exemption if evidence establishes that: The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and the proposed transaction is consistent with the general purposes of the Act.

5. Accordingly, the Section 17 Applicants seek relief under section 17(b) from section 17(a) for the In-Kind Transactions. The Section 17 Applicants submit that the In-Kind Transactions satisfy the standards for an order under section 17(b) because: (i) The terms of the In-Kind Transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned because the In-Kind Transactions will comply with rule 17a–7 under the Act, other than the requirement relating to cash consideration;[4] (ii) the In-Kind Transactions will be consistent with the policies of the Existing Fund and Replacement Fund as stated in their respective registration statements and reports filed with the Commission; and (iii) the In-Kind Transactions are consistent with the general purposes of the Act because they do not raise any investor protection concerns.

Applicants' Conditions

The Section 26 Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Substitution will not be effected unless the Companies determine that: (i) The Contracts allow the substitution of shares of registered open-end investment companies in the manner contemplated by the application; (ii) the Substitution can be consummated as described in the application under applicable insurance laws; and (iii) any regulatory requirements in each jurisdiction where the Contracts are qualified for sale have been complied with to the extent necessary to complete the Substitution.

2. The Companies or their affiliates will pay all expenses and transaction costs of the Substitution, including legal and accounting expenses, any applicable brokerage expenses and other fees and expenses. No fees or charges will be assessed to the Contract owners to effect the Substitution. The Substitution will not cause the fees and charges under the Contracts currently being paid by the Contract owners to be greater after the Substitution than before the Substitution. The combined current management fee and Rule 12b–1 fee of each share class of the Replacement Fund involved in the Substitution at all asset levels will be no higher than that of the corresponding share class of the Existing Fund at corresponding asset levels.

3. The Substitution will be effected at the relative NAVs of the respective shares in conformity with section 22(c) of the Act and Rule 22c–1 thereunder without the imposition of any transfer or similar charges by the Section 26 Applicants. The Substitution will be effected without change in the amount or value of any Contracts held by affected Contract owners.

4. The Substitution will in no way alter the tax treatment of affected Contract owners in connection with their Contracts, and no tax liability will arise for affected Contract owners as a result of the Substitution.

5. The obligations of the Companies and the rights of affected Contract owners under the Contracts will not be altered in any way.

6. Affected Contract owners will be permitted to make at least one transfer of Contract value from the subaccount investing in the Existing Fund (before the Substitution Date) or the Replacement Fund (after the Substitution Date) to any other available investment option under the Contract without charge for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date. Except as described in any market timing/short-term trading provisions of the relevant prospectus, the Companies will not exercise any right they may have under the Contracts to impose restrictions on transfers between the subaccounts under the Contracts, including limitations on the future number of transfers, for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date.

7. All affected Contract owners will be notified at least 30 days before the Substitution Date about: (i) The intended Substitution of the Existing Fund with the Replacement Fund; (ii) the intended Substitution Date; and (iii) information with respect to transfers as set forth in Condition 6 above. In addition, the Companies will deliver to all affected Contract owners, at least 30 days before the Substitution Date, a prospectus for the Replacement Fund.

8. The Companies will deliver to each affected Contract owner within five business days of the Substitution Date, a written confirmation which will include: (i) A confirmation that the Substitution was carried out as previously notified; (ii) a restatement of the information set forth in the Supplement; and (iii) before and after account values.

9. For a period of two years following the Substitution Date, for Contract owners who were Contract owners as of the Substitution Date, BLIC, BLIC NY or an affiliate thereof (other than BFT I) will reimburse, on the last day of each fiscal quarter, the Contract owners whose subaccounts invest in the Replacement Fund to the extent the annual net operating expenses (taking into account fee waivers and expense reimbursements) of each share class of the Replacement Fund for such period exceed, on an annualized basis, the annual net operating expenses of the corresponding share class of the Existing Fund for fiscal year 2019. Further, separate account charges for any Contract owner on the Substitution Date will not be increased at any time during the two-year period following the Substitution Date. Any amounts waived or reimbursed by BIA will not be subject to recoupment rights.

[4] Rule 17a–7 is a conditional exemption from section 17(a) of the Act that permits purchase and sale transactions among affiliated investment companies, or between an investment company and a person that is affiliated solely by reason of having a common (or affiliated) investment adviser, common directors, and/or common officers. In the adopting release to the original Rule 17a–7, the Commission stated that the purpose of the rule was to ''eliminate filing and processing applications under circumstances where there appears to be no likelihood that the statutory finding for a specific exemption under Section 17(b) of the Act could not be made'' and that the conditions of the rule ''are designed to limit the exemption to those situations where the Commission, upon the basis of its experience, considers that there is no likelihood of overreaching of the investment companies participating in the transaction.'' Inv. Co. Act Rel. No. 4697 (Sep. 8, 1966) at 2–4.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04934 Filed 3–9–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91259; File No. SR–CBOE–2021–014]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Fees Schedule

March 4, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 25, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its fees schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its COVID–19 Test Fee which it recently adopted in connection with the COVID–19 pandemic. By way of background, on March 16, 2020, the Exchange suspended open outcry trading to help prevent the spread of COVID–19[3] and was operating in an all-electronic configuration until June 15, 2020. On June 15, 2020, the Exchange reopened its trading floor, but with a modified configuration of trading crowds in order to implement social distancing and other measures consistent with local and state health and safety guidelines to help protect the safety and welfare of individuals accessing the trading floor. In order to further protect the safety and welfare of individuals accessing the trading floor during the COVID–19 pandemic, the Exchange determined to implement on-site COVID–19 testing for all trading floor personnel, beginning November 16, 2020. The Exchange has contracted with an independent health care provider who conducts the tests, which the Exchange currently conducts twice each week. The Exchange currently assesses a fee of $150 per test, per Trading Permit Holder (''TPH'') or associated person of a TPH[4] that is tested, which is the same amount the Exchange is charged by the independent health care provider conducting the tests (*i.e.,* the Exchange passes through its costs). The COVID–19 Test Fee allows the Exchange to offset the costs incurred with on-site testing.

The Exchange wishes to amend the language in the Fees Schedule to provide generally that the Exchange will pass through the cost the Exchange is charged for each test, instead of specifying the exact amount (currently $150) in the Fees Schedule. In adopting the COVID–19 Test Fee, the Exchange represented that the proposed fee is a pass-through of the costs to the Exchange and that the Exchange will not generate any revenue in excess of those costs.[5] Although the Exchange is currently still subject to the $150 rate (which it will continue to pass through), the proposed change provides flexibility should the rate change in the future. For example, if the independent health care provider lowers the rate they charge the Exchange for each test (*e.g.,* lowers from $150 to $100), the Exchange can charge $100 per test, per TPH and associated person of a TPH, without having to submit an additional rule filing. The Exchange represents that it will continue to ensure it does not generate any revenue in excess of its costs associated with the tests. The Exchange also does not anticipate the cost exceeding the current rate of $150.

The Exchange next proposes to provide that in certain limited circumstances, the Exchange will waive the costs of the test in its entirety, regardless of the cost to the Exchange. Particularly, the Exchange proposes to provide that it will not assess any fees, regardless of the cost to the Exchange, when test results are not received from the independent health care provider that conducts the tests in a timely manner. The Exchange notes the testing process is rolling and intended to capture any potential positive COVID cases. Accordingly, the Exchange does not believe it's appropriate or equitable to assess the fee if results are delivered past the time such results can no longer be utilized by the Exchange for its intended purpose.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On March 11, 2020, the World Health Organization characterized COVID–19 as a pandemic and to slow the spread of the disease, federal and state officials implemented social-distancing measures, placed significant limitations on large gatherings, limited travel, and closed non-essential businesses.

[4] For example, a TPH may have personnel other than Nominees on the floor that need to access the trading floor. Such persons will also be subject to testing requirements and will be assessed the proposed fee.

[5] *See* Securities Exchange Release No. 90504 (November 24, 2020) 85 FR 77295 (December 1, 2020) (SR–CBOE–2020–111).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes the proposed change to the COVID–19 Test Fee is reasonable as the Exchange will continue to pass through the costs that the Exchange incurs per test. Indeed, the proposed change to replace the reference to the specific amount currently being passed through with general language providing the COVID–19 Test Fee is a pass-through of the Exchange's costs, merely provides the Exchange more flexibility to adapt to changing rates and avoids the administrative burden of submitting an additional rule filing each time the rate changes. As noted above, the Exchange does not currently anticipate that the COVD–19 Test Fee would increase above the current rate of $150 per test, per TPH/associated person of a TPH. The fee the Exchange ultimately assesses to TPHs and associated persons of a TPH will always be the same amount that is assessed to the Exchange by the independent health care provider administering the tests. Also as noted above, the revenue generated from the proposed fee will continue to not be more than the cost to the Exchange for administering the tests. The Exchange further notes that to date, it has absorbed all other costs incurred in connection with the safety and health protocols it has taken to ensure the safety and welfare of individuals access the trading floor, including daily deep-cleaning of its facilities. The Exchange believes the proposed change is equitable and not unfairly discriminatory because it applies uniformly to any TPH or associated person of a TPH that is tested and accesses the trading floor.

The Exchange believes the proposal to waive the fee in instances where the results of a test are not received in a timely manner by the Exchange from the independent health care provider is reasonable because TPHs and associated persons of TPHs will not be subject to a fee in such cases. The Exchange recognizes there may be unforeseen circumstances which may cause a delay of test results to be received (*e.g.,* inclement weather). In such cases, the Exchange does not believe it's equitable or appropriate to continue to assess the COVID–19 Test Fee for impacted tests as the Exchange would not be able to utilize the results as intended. Lastly, the Exchange believes the proposed change to waive the fee when test results are delayed is equitable and not unfairly discriminatory because the waiver will be applied to any TPH or associated person of a TPH that is impacted by such delay.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes the proposed change is not intended to address any competitive issue. Rather, the proposed changes relate to a pass-through fee that allows the Exchange to continue to recoup costs associated with COVID–19 testing in order to help protect the safety and welfare of individuals access the trading floor. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes apply equally to all similarly situated market participants. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes only affect trading on the Exchange in limited circumstances.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2021–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–014 and

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

should be submitted on or before March 31, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04913 Filed 3–9–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91256; File No. SR–MEMX–2021–03]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 11.6(h)(1) To Enable Users To Include a Limit Price on a Pegged Order With a Primary Peg Instruction

March 4, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 24, 2021, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Exchange Rule 11.6(h)(1) to enable Users[5] to include a limit price on a Pegged Order[6] with a Primary Peg instruction.[7] The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Exchange Rule 11.6(h)(1) provides that a User submitting a Pegged Order with a Primary Peg instruction may not include a limit price on such order.[8] In contrast, Exchange Rule 11.6(h)(2) provides that a User submitting a Pegged Order with a Midpoint Peg instruction may, but is not required to, include a limit price on such order. The Exchange therefore currently has different functionality with respect to a User's ability to include a limit price on a Pegged Order with a Primary Peg instruction and a Pegged Order with a Midpoint Peg instruction in that Users may only include a limit price on the latter.

The Exchange now proposes to enable a User submitting a Pegged Order with a Primary Peg instruction to include a limit price on such order. The purpose of the proposed change is to align the functionality with respect to a User's ability to include a limit price for the two types of peg instructions for Pegged Orders (*i.e.,* Primary Peg and Midpoint Peg), as the Exchange believes there should be no distinction with respect to this functionality for such orders. Thus, the language of the proposed change is based on and mirrors the relevant language applicable to Pegged Orders with a Midpoint Peg instruction set forth in Exchange Rule 11.6(h)(2) and, accordingly, provides that a User submitting a Pegged Order with a Primary Peg instruction may, but is not required to, include a limit price on such order.

The Exchange notes that by enabling a User to include a limit price on a Pegged Order with a Primary Peg instruction, the User is able to establish an additional risk protection in the form of a specified price limitation, which the Exchange believes would help to minimize the risk of executions of such orders at unintended price levels, thereby promoting the operation of a fair and orderly market. Accordingly, as Users would have greater flexibility in establishing a price limitation with respect to such orders, the Exchange believes that the proposed change would result in Users sending additional Pegged Orders with a Primary Peg instruction to the Exchange, which would deepen the liquidity on the Exchange to the benefit of all Users. The Exchange also notes that the proposed change to enable Users to include a limit price on a Pegged Order with a Primary Peg instruction is consistent with the existing functionality of other exchanges.[9]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] which requires, among other things, that the Exchange's rules must be designed to

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] As defined in Exchange Rule 1.5(jj), a ''User'' is a member of the Exchange (''Member'') or sponsored participant of a Member who is authorized to obtain access to the System pursuant to Exchange Rule 11.3. As defined in Exchange Rule 1.5(gg), the Exchange's ''System'' is the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing.

[6] Pegged Orders are described in Exchange Rules 11.6(h) and 11.8(c) and generally defined as an order that is pegged to a reference price and automatically re-prices in response to changes in the NBBO. The two types of peg instructions for Pegged Orders are: (1) Primary Peg, which pegs to the NBB (NBO) for buy (sell) orders; and (2) Midpoint Peg, which pegs to the midpoint of the NBBO.

[7] A Primary Peg instruction is an instruction that may be placed on a Pegged Order that instructs the Exchange to peg the order to the NBB, for a buy order, or the NBO, for a sell order. A User may, but is not required to, select an offset equal to or greater than $0.01 above or below the NBB or NBO that the order is pegged to. *See* Exchange Rule 11.6(h)(1).

[8] As initially adopted, Exchange Rule 11.6(h)(1) was silent as to whether a User submitting a Pegged Order with a Primary Peg instruction may include a limit price on such order. The Exchange interpreted the Rule's silence in this regard to mean that a limit price may not be included on such orders, which was the intended functionality for such orders at the time of the Exchange's initial launch. However, after receiving inquiries from Users as to whether a limit price may be included on such orders, prior to commencing operations the Exchange adopted a change to Exchange Rule 11.6(h)(1) to expressly state that a User submitting a Pegged Order with a Primary Peg instruction may not include a limit price on such order. The purpose of this change was therefore to make Exchange Rule 11.6(h)(1) more clearly reflect the intended and actual functionality. *See* Securities Exchange Act Release No. 89581 (August 17, 2020), 85 FR 51799 (August 21, 2020) (SR–MEMX–2020–04).

[9] *See, e.g.,* Cboe EDGX Exchange, Inc. (''EDGX'') Rule 11.8(b)(9), which provides that pegged functionality (including a primary peg instruction similar to the Exchange's Primary Peg instruction) is available for limit orders that are posted to the EDGX book; The Nasdaq Stock Market LLC (''Nasdaq'') Rule 4703(d), which generally permits an order with pegging (including primary pegging similar to the Exchange's Primary Peg instruction) to specify a limit price beyond which the order may not be executed.

[10] 15 U.S.C. 78f(b)(5).

promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[11] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

As noted above, the proposed change is intended to align the functionality for Pegged Orders with a Primary Peg instruction with the functionality for Pegged Orders with a Midpoint Peg instruction with respect to enabling a User to include a limit price on such orders, as the Exchange believes there should be no distinction with respect to this functionality for such orders. The Exchange believes that the proposed change is appropriate and consistent with the Act as the Exchange believes that enabling Users to establish additional risk protection in the form of a specified price limitation for Pegged Orders with a Primary Peg instruction would help to minimize the risk of executions of such orders at unintended price levels, which the Exchange believes would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange further believes that enabling Users to include a limit price on a Pegged Order with a Primary Peg instruction is appropriate and consistent with the Act as the Exchange believes that its Users would want to utilize this functionality, thereby resulting in additional liquidity in the form of Pegged Orders with a Primary Peg instruction being sent to the Exchange, which would deepen the liquidity on the Exchange to the benefit of all Users.

Furthermore, the proposed change would make the Exchange's functionality consistent with the functionality of certain other exchanges with respect to a User's ability to include a limit price on Pegged Orders with a Primary Peg instruction,[12] which the Exchange believes would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, would protect investors and the public interest.

[11] 15 U.S.C. 78f(b)(8).

[12] *See supra* note 9.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change would make the functionality with respect to a User's ability to include a limit price on Pegged Orders with a Primary Peg instruction consistent with the functionality of other exchanges.[13] The Exchange believes that the proposed rule change would not burden intramarket competition because the ability to include a limit price on Pegged Orders with a Primary Peg instruction would be applicable to all Users. The Exchange also believes that the proposed rule change would not burden, but rather increase, intermarket competition as the Exchange believes that enabling Users to include a limit price on Pegged Orders with a Primary Peg instruction would ultimately enable the Exchange to better compete with other exchanges that offer this same functionality. Thus, the Exchange believes that the proposed rule change would facilitate fair competition among national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. The Exchange states that waiver of the operative delay would allow the Exchange to begin accepting Pegged Orders with a Primary Peg instruction that include a limit price as soon as practicable,[18] thus benefitting Users and investors by sooner offering functionality that enables Users to establish an additional risk protection in the form of a specified price limitation for such orders. The Exchange believes this would help to minimize the risk of executions of such orders at unintended price levels, thereby promoting the operation of a fair and orderly market. In addition, the Exchange states that the proposed rule change merely seeks to align the functionality for Pegged Orders with a Primary Peg instruction with the functionality for Pegged Orders with a Midpoint Peg instruction with respect to a User's ability to include a limit price on such orders. The Commission believes waiver of the operative delay will provide Users with an optional additional risk protection tool, permitting them to set a limit price for Pegged Orders with a Primary Peg instruction if they choose, without unnecessary delay. The Commission further believes that the proposed functionality is consistent with the functionality of other exchanges[19] and thus does not raise any new or novel issues. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the operative delay and designates the proposed rule change operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

[13] *See supra* note 9.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] In its filing, the Exchange stated that it plans to implement the proposed rule change on or about March 15, 2021.

[19] *See, e.g., supra* note 9.

[20] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MEMX–2021–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MEMX–2021–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MEMX–2021–03, and should be submitted on or before March 31, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04910 Filed 3–9–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91258; File No. SR–FINRA–2020–041]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change To Adopt FINRA Rule 4111 (Restricted Firm Obligations) and FINRA Rule 9561 (Procedures for Regulating Activities Under Rule 4111)

March 4, 2021.

I. Introduction

On November 16, 2020, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FINRA–2020–041 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder to address the risks that can be posed to investors and the broader market by broker-dealers that have a history of misconduct. The proposed rule change was published for public comment in the **Federal Register** on December 4, 2020.[3] On January 12, 2021, FINRA consented to extend, until March 4, 2021, the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[4] The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act [5] to institute proceedings to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

The proposed rule change would: (1) Adopt FINRA Rule 4111 (Restricted Firm Obligations) to require member firms that are identified as ''Restricted Firms'' to maintain a deposit in a segregated account with withdrawals requiring FINRA's approval, adhere to specified conditions or restrictions, or comply with a combination of such obligations; and (2) adopt FINRA Rule 9561 (Procedures for Regulating Activities Under Rule 4111), and amend FINRA Rule 9559 (Hearing Procedures for Expedited Proceedings Under the Rule 9550 Series), to create a new expedited proceeding to implement proposed Rule 4111.[6]

Proposed Rule 4111 (Restricted Firm Obligations)

Proposed Rule 4111 would establish numeric thresholds based on firm-level and individual-level disclosure events to identify member firms with a significantly higher level of risk-related disclosures as compared to similarly-sized peers.[7] Following a multi-step process of evaluating a member firm, FINRA's Department of Member Regulation (''Department'') would be permitted to impose on member firms it determines pose a high risk to the investing public a ''Restricted Deposit Requirement,'' [8] conditions or restrictions on the member firm's operations that are necessary or appropriate to protect investors and the public interest, or both.[9]

FINRA would conduct the process annually for each member firm, determining whether it should be designated (or re-designated) as a Restricted Firm and whether it should be subject to any obligations.[10] Each member firm that is preliminarily identified based on its firm-level and individual-level disclosure events would have several ways to affect outcomes during subsequent steps in the evaluative process, including a one-time opportunity to terminate registered representatives with relevant disclosure events so as to no longer trigger the numeric thresholds.[11] The member firm would also be able to explain to the Department why it should not be subject to a Restricted Deposit Requirement or

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 90527 (Nov. 27, 2020), 85 FR 78540 (Dec. 4, 2020) (File No. SR–FINRA–2020–041) (''Notice'').

[4] *See* letter from Michael Garawski, Associate General Counsel, OGC Regulatory Practice and Policy, FINRA, to Daniel Fisher, Branch Chief, Division of Trading and Markets, Commission, dated January 12, 2021.

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Notice at 78541–78550.

[7] *See* Notice at 78541.

[8] *See* proposed Rule 4111(i)(15) (defining ''Restricted Deposit Requirement'').

[9] *See* Notice at 78542.

[10] *Id.*

[11] *Id.*

propose alternatives that would still accomplish FINRA's goal of protecting investors, and could request a hearing before a FINRA Hearing Officer in an expedited proceeding to challenge a Department determination.[12]

General (Proposed Rule 4111(a))

Under the proposal, any member firm that is designated by the Department as a Restricted Firm would be required to establish a Restricted Deposit Account[13] and maintain within that account deposits of cash or qualified securities with an aggregate value that is not less than the member firm's Restricted Deposit Requirement, except in certain identified situations.[14] Restricted Firms could also be subject to conditions or restrictions on their operations,[15] as determined by the Department to be necessary or appropriate to protect investors and the public interest.[16]

Annual Calculation by FINRA of the Preliminary Criteria for Identification (Proposed Rule 4111(b))

The Department would begin a member firm's Rule 4111 review process by calculating specified ''Preliminary Identification Metrics'' for that firm across six categories of events or conditions, collectively defined as the ''Disclosure Event and Expelled Firm Association Categories.'' [17] These six categories include risk events, covering adjudicated and pending actions against firms and their registered representatives, along with metrics addressing registered representatives' termination and internal review history, and their association with former member firms that were previously expelled by FINRA.[18] FINRA would use a formula to identify whether the firm has exceeded certain established thresholds,[19] set based on the firm's size,[20] across the six categories, starting by determining the sum of the pertinent disclosure events or, for the Expelled Firm Association category, the sum of the Registered Persons Associated with Previously Expelled Firms as of the calculation date.[21] Based on this calculation, the Department would determine whether the particular member firm meets the ''Preliminary Criteria for Identification.'' [22] FINRA has indicated that it developed the criteria and thresholds for identification with the intent to be replicable and transparent to both FINRA and affected member firms; employ the most complete and accurate data available to FINRA; be objective; account for different firm sizes and business profiles; and target sales practice concerns.[23]

Initial Department Evaluation (Proposed Rule 4111(c)(1))

The Department would then evaluate whether a member firm that has met the Preliminary Criteria for Identification warrants further review under Rule 4111.[24] This would include consideration of: Whether non-high-risk disclosure events or other conditions should not have been included within the initial calculation of the firm's Preliminary Identification Metric computations (*e.g.,* because, for example, they were not sales-practice related, or include duplicative events involving the same customer and the same matter, or events involving compliance concerns best addressed by a different regulatory response by FINRA); [25] whether the disclosure events pose risks to investors or market integrity, as opposed to violations of procedural rules; [26] and whether the member firm has already addressed the concerns signaled by the disclosure events or conditions, or has altered its business operations such that the threshold calculation no longer reflects the firm's current risk profile.[27] The Department would then either determine that further review is necessary and continue the Rule 4111 process, or, if the Department concluded that no further review is warranted, close out that member firm's Rule 4111 process for the year without imposing any restrictions or obligations.[28]

FINRA originally stated that it would conduct this annual evaluation on the same month and day each year where that date was a business day, and that if that date were a weekend date or federal holiday, the evaluation would shift to the next business day.[29] FINRA has since stated that it would announce the date of the first annual evaluation (''Evaluation Date'') no less than 120 calendar days prior to the first Evaluation Date.[30] Subsequent Evaluation Dates would be on the same month and day each year, whether that date certain falls on a business day, a weekend day, or a holiday.[31]

One-Time Opportunity To Reduce Staffing Levels (Proposed Rule 4111(c)(2))

If the Department determines that a member firm warrants further review under Rule 4111, and such member firm is meeting the Preliminary Criteria for

[12] *Id.*

[13] *See* proposed Rule 4111(i)(14)(defining ''Restricted Deposit Account''). Proposed Rule 4111(i)(14) would require that any Restricted Deposit Account that is established must be in the name of the member firm, at a bank or the member firm's clearing firm. The account must be subject to an agreement in which the bank or the clearing firm agrees: Not to permit withdrawals from the account absent FINRA's prior written consent; to keep the account separate from any other accounts maintained by the member firm with the bank or clearing firm; that the cash or qualified securities on deposit will not be used directly or indirectly as security for a loan to the member firm by the bank or the clearing firm, and will not be subject to any set-off, right, charge, security interest, lien, or claim of any kind in favor of the bank, clearing firm or any person claiming through the bank or clearing firm; that if the member firm becomes a former member, the Restricted Deposit Requirement in the account must be maintained, and withdrawals will not be permitted without FINRA's prior written consent; that FINRA is a third-party beneficiary to the agreement; and that the agreement may not be amended without FINRA's prior written consent. In addition, the account could not be subject to any right, charge, security interest, lien, or claim of any kind granted by the member.

In the event of a liquidation of a Restricted Firm, funds or securities on deposit in the Restricted Deposit Account would be additional financial resources available for the Restricted Firm's trustee to distribute to those with claims against the Restricted Firm.

[14] *See* Notice at 78542. FINRA is also proposing to include Supplementary Material .01 to proposed Rule 4111 to clarify that due to withdrawal restrictions from a Restricted Deposit Account, deposits in such an account cannot be readily converted to cash and therefore shall be deducted from the member's net capital under Exchange Act Rule 15c3–1 and FINRA Rule 4110. *See* Notice at 78548.

[15] FINRA has also proposed adopting Supplementary Material .03 to proposed Rule 4111 to provide member firms with a non-exhaustive list of examples of conditions and restrictions that the Department could impose on Restricted Firms. *See* Notice at 78458.

[16] *See* Notice at 78452. FINRA has also proposed adding Supplementary Material .02 to proposed Rule 4111 to clarify that nothing in proposed Rule 4111 would alter a member firm's obligations under Rule 1017 (Application for Approval of Change in Ownership, Control, or Business Operations), and the need to submit continuing membership applications as necessary. *See* Notice at 78458.

[17] *See* proposed Rule 4111(i)(4) (defining ''Disclosure Event and Expelled Firm Association Categories'').

[18] *See* Notice at 78542.

[19] *See* proposed Rule 4111(i)(11) (defining ''Preliminary Identification Metrics Thresholds'').

[20] Specifically, member firms would be divided into seven firm size categories based on size, ranging from firms with 1–4 ''Registered Persons In-Scope,'' defined in proposed Rule 4111(i)(13), to 500 or more Registered Persons In-Scope. *See* Notice at 78544.

[21] *See* Notice at 78543.

[22] *See* proposed Rule 4111(i)(9) (defining ''Preliminary Criteria for Identification'').

[23] *See* Notice at 78542.

[24] *See* Notice at 78544.

[25] *Id.*

[26] *See* Notice at 78544–45.

[27] *See* Notice at 78545.

[28] *Id.*

[29] *See* Notice at 78544.

[30] Id.

[31] *See* letter from Michael Garawski, Associate General Counsel, Office of General Counsel, FINRA, to Vanessa Countryman, Secretary, Commission, dated March 4, 2021 (''FINRA March 4 Letter''). The FINRA March 4 Letter is available at the Commission's website at *https://www.sec.gov/comments/sr-finra-2020-041/srfinra2020041.htm.*

Identification for the first time, the member firm would have a one-time opportunity to reduce its staffing levels to no longer meet these criteria, within 30 business days after being informed by the Department.[32] The member firm would need to identify the terminated individuals to the Department, and would be prohibited from rehiring any of those terminated persons, in any capacity, for one year.[33]

Determination of a Maximum Restricted Deposit Requirement (Proposed Rule 4111(i)(15))

For firms still meeting the Preliminary Criteria for Identification, the Department would then determine the firm's maximum Restricted Deposit Requirement,[34] and the member firm would proceed to a ''Consultation'' with the Department.[35] FINRA states that the Department would seek to tailor a firm's maximum Restricted Deposit Requirement amount to its size, operations and financial conditions, and determine the member firm's maximum Restricted Deposit Requirement consistent with the objectives of the rule, while not significantly undermining the firm's continued financial stability and operational capability as an ongoing enterprise over the next 12 months.[36]

Consultation (Proposed Rule 4111(d))

During the Consultation, the Department would give the member firm an opportunity to demonstrate why it does not meet the Preliminary Criteria for Identification, why it should not be designated as a Restricted Firm, and why it should not be subject to the maximum Restricted Deposit Requirement.[37]

A member firm may overcome the presumption that it should be designated as a Restricted Firm by clearly demonstrating that the Department's calculation is inaccurate because, among other things, it considered events that should not have been included.[38] A member firm also may overcome the presumption that it should be subject to the maximum Restricted Deposit Requirement by clearly demonstrating that such an amount would cause significant undue financial hardship, and that a lesser deposit requirement would satisfy the objectives of Rule 4111 to impose obligations on those firms identified as presenting a higher risk to investors; or that other operational conditions and restrictions on the member and its associated persons would sufficiently protect investors and the public interest.[39] To the extent a member firm seeks to claim undue financial hardship, it would bear the burden of supporting that claim with documents and information.[40]

Department Decision and Notice (Proposed Rule 4111(e)); No Stays

After the Consultation, the Department would be required to render a decision, pursuant to one of three paths: (1) If the Department determines that the member firm has rebutted the presumption that it should be designated a Restricted Firm, the Department would not designate the firm as a Restricted Firm that year; (2) if the Department determines that the member firm has not rebutted the presumption that it should be designated as a Restricted Firm, but has rebutted the presumption that it must maintain the maximum Restricted Deposit Requirement, the Department would designate the member firm as a Restricted Firm, but would either impose no Restricted Deposit Requirement on the member firm, or require it to promptly establish a Restricted Deposit Account, and deposit and maintain in that account a lower Restricted Deposit Requirement in such dollar amount as the Department deems necessary or appropriate; and would require the member firm to implement and maintain specified conditions or restrictions on the operations and activities of the member firm and its associated persons, as necessary or appropriate, to address the concerns identified by the Department, and protect investors and the public interest; or (3) if the Department determines that the member firm has rebutted neither presumption, the Department would designate the member firm as a Restricted Firm, require it to promptly establish a Restricted Deposit Account, deposit and maintain in that account the maximum Restricted Deposit Requirement, and implement and maintain specified conditions or restrictions on the firm's operations and activities, and those of its associated persons, as necessary or appropriate to address the concerns identified by the Department and protect investors and the public interest.[41] The Department would provide the member firm with written notice of its decision no later than 30 days from its latest scheduling letter provided to the member firm, stating any obligations to be imposed, and the ability of it to request a hearing with the Office of Hearing Officers in an expedited proceeding.[42]

Continuation or Termination of Restricted Firm Obligations (Proposed Rule 4111(f))

During the Department's annual Rule 4111 review, a Restricted Firm could seek to terminate or modify any obligations that continue to be imposed.[43] Restricted Firms would only be permitted to seek this result during their annual Consultation, and any ensuing expedited proceedings after a Department decision; no interim termination or modification of any

[32] *See* Notice at 78544.

[33] *Id.* If the member firm reduces its staffing levels, and the Department then determines that the member firm no longer meets the Preliminary Criteria for Identification, the Department would close out the firm's Rule 4111 process for the year without seeking to impose any restrictions or obligations on that firm. However, if the Department determines that the member firm still meets the Preliminary Criteria for Identification (or if the member firm did not opt to reduce staffing levels) the Department would determine the firm's maximum Restricted Deposit Requirement, and the member firm would proceed to a ''Consultation'' with the Department.

[34] The term ''maximum'' is used to indicate that a firm's maximum Restricted Deposit Requirement will be the figure FINRA declares to the firm is the highest deposit requirement it may be subject to during that year's Rule 4111 process. As discussed below, firms could then seek to demonstrate to FINRA why a lower deposit requirement would be more appropriate, during the Consultation. *See* FINRA March 4 Letter *supra* n.31.

[35] *See* Notice at 78545.

[36] *Id.* The proposed factors that the Department would consider when determining a maximum Restricted Deposit Requirement include revenues, net capital, assets, expenses, and liabilities, the firm's operations and activities, number of registered persons, the nature of the disclosure events included in the numeric thresholds, insurance coverage for customer arbitration awards or settlements concerns raised during FINRA exams, and the amount of any of the firm's or its associated persons' ''Covered Pending Arbitration Claims'' or unpaid arbitration awards. *See* proposed FINRA Rule 4111(i)(15)(A).

[37] *See* Notice at 78545.

[38] *Id.* These would include, for example, events that are duplicative, involving the same customer and the same matter, or are not sales-practice related.

[39] *Id.* Proposed Rule 4111(d)(3) provides guidance to member firms on what information the Department would consider during the Consultation, and guidance on how to attempt to overcome the two rebuttable presumptions (that the member firm should be designated as a Restricted Firm, and that it should be subject to the maximum Restricted Deposit Requirement). *See* Notice at 78546.

[40] *See* Notice at 78545.

[41] *See* Notice at 78546.

[42] *Id.* As noted below, any request for a hearing would not stay the effectiveness of the Department's decision, but would temporarily lower the necessary Required Deposit Requirement for that member firm until the Office of Hearing Officers, or the National Adjudicatory Council (''NAC'') issues a final written decision, unless that firm was already operating as a Restricted Firm based on a prior year's Department decision.

[43] *See* Notice at 78547. *See also* proposed Rule 4111(f)(1).

obligations would be permitted.[44] A Restricted Firm would not be permitted to withdraw any portion of its Restricted Deposit Requirement, or to seek to terminate or modify any other conditions or obligations that have been imposed, without the prior written consent of the Department.[45]

Where the Department determines in one year that a member firm is a Restricted Firm, but in the following year(s) determines that the member firm or former member firm[46] either does not meet the Preliminary Criteria for Identification or should not be designated as a Restricted Firm, the member firm or former member firm would no longer be subject to any obligations previously imposed under proposed Rule 4111.[47] There would be one exception: A former Restricted Firm would not be permitted to withdraw any portion of its Restricted Deposit Requirement without submitting an application in the manner specified under Rule 4111(f)(3)(A), and obtaining the Department's prior written consent for the withdrawal.[48]

In this situation, the Department would be subject to a presumption that it shall approve an application for withdrawal if the member firm, its associated persons, or the former member firm have no Covered Pending Arbitration Claims[49] or unpaid arbitration awards.[50] The rule would also establish presumptions that the Department shall: (a) Deny an application for withdrawal if the member firm, the member firm's associated persons who are owners or control persons, or the former member have any Covered Pending Arbitration Claims or unpaid arbitration awards, or if the member's associated persons have any Covered Pending Arbitration Claims or unpaid arbitration awards relating to arbitrations that involved conduct or alleged conduct that occurred while associated with the member; but (b) approve an application by a former member for withdrawal if the former member commits in the manner specified by the Department to use the amount it seeks to withdraw from its Restricted Deposit to pay the former member's specified unpaid arbitration awards.[51]

Books and Records (Proposed Rule 4111(g))

Member firms would also be obligated to maintain books and records that evidence its compliance with Rule 4111 and any Restricted Deposit Requirement or other conditions or restrictions imposed under that rule, that the member firm would need to provide to the Department upon request.[52]

Planned Review of Proposed Rule 4111

FINRA has indicated it intends to conduct a review of proposed Rule 4111 after gaining sufficient experience under Rule 4111 following its effective date.[53] FINRA has indicated that it expects to review, among other items, whether the Preliminary Identification Metrics Thresholds remain targeted and effective at identifying member firms that pose higher risks.[54]

Proposed Rule 9561 (Procedures for Regulating Activities Under Rule 4111) and Amendments to Rule 9559 To Implement the Requirements of Proposed Rule 4111

FINRA is proposing Rule 9561 to establish new expedited proceedings that would: (a) Provide member firms an opportunity to challenge any requirements the Department has imposed, including any Restricted Deposit Requirements, by requesting a prompt review of the Department's decision in the Rule 4111 process; [55] and (b) address a member firm's failure to comply with any requirements imposed under Rule 4111.[56]

Notices Under Proposed Rule 4111 (Proposed Rule 9561(a))

Under proposed Rule 9561(a)(1), the Department would be obligated to serve a notice of its decision following the Rule 4111 process that provides the specific grounds and factual basis for the Department's action; states when the action will take effect; informs the member firm that it may request a hearing in an expedited proceeding within seven days after service of the notice; and explains the Hearing Officer's authority.[57] The proposed rule would also provide that, if a member firm does not request a hearing, the decision will constitute final FINRA action.[58]

Any of the Rule 4111 Requirements imposed in the Department's decision would be immediately effective.[59] In general, a request for a hearing would not stay those requirements.[60] There would be one exception: When a member firm requests review of a Department determination to impose a Restricted Deposit Requirement on the member, the firm would be required to deposit the lesser of 25% of its Restricted Deposit Requirement or 25% of its average excess net capital over the prior year, while the expedited proceeding was pending.[61] This exception would not be available for a member firm that has been re-designated as a Restricted Firm, and is already subject to a previously imposed Restricted Deposit Requirement, which it will need to maintain in full until the Office of Hearing Officers or NAC issues a written decision.[62]

Notice for Failure To Comply With the Proposed Rule 4111 Requirements (Proposed Rule 9561(b))

After receiving authorization from FINRA's chief executive officer (''CEO''), or such other executive officer as the CEO may designate, the Department would be authorized to serve a notice stating that the member firm's failure to comply with the Rule 4111 Requirements, within seven days of service of the notice, will result in a suspension or cancellation of membership.[63] Proposed Rule 9561(b)

[44] *See* Notice at 78547.

[45] *Id.* There would be a presumption that the Department shall deny an application by a member firm or former member firm that is currently designated as a Restricted Firm to withdraw all or any portion of its Restricted Deposit Requirement.

[46] *See* Notice at 78547. *See also* proposed Rule 4111(i)(7) (defining ''Former Member'').

[47] *See* Notice at 78547.

[48] *Id.* The Department would be required to issue a notice of its decision within 30 days from the date it receives the relevant application.

[49] *See* proposed Rule 4111(i)(2) (defining Covered Pending Arbitration Claim as an investment-related, consumer initiated claim filed against the member or its associated persons in any arbitration forum that is unresolved; and whose claim amount (individually or, if there is more than one claim, in the aggregate) exceeds the member firm's excess net capital).

[50] *See* Notice at 78547.

[51] *Id.* Proposed Rule 4111(f)(3) provides that the Covered Pending Arbitration Claims and unpaid arbitration awards of a member firm's associated persons are pertinent to an application for a withdrawal from the Restricted Deposit Requirement.

[52] *See* Notice at 78548.

[53] *Id.*

[54] *Id.*

[55] *Id.* Proposed Rule 9561(a)(1) would define the ''Rule 4111 Requirements'' to mean the requirements, conditions, or restrictions imposed by a Department determination under proposed Rule 4111. *See* Notice at 78548.

[56] *See* Notice at 78549.

[57] *Id.*

[58] *See* Notice at 78548–49.

[59] *See* Notice at 78549.

[60] *Id.*

[61] *Id.*

[62] *See* Notice at 78546. Thereafter, if a member firm is not in compliance with its Restricted Deposit Requirement or with any conditions or restrictions imposed under proposed Rule 4111, FINRA would be authorized to issue a notice pursuant to proposed Rule 9561 directing a member firm to suspend all or a portion of its business. *See* Notice at 78548.

[63] *See* Notice at 78549. The notice must identify the requirements with which the member firm is alleged to have not complied; specify the facts involved in the alleged failure; state when the action will take effect; explain what the member firm must do to avoid the suspension or

Continued

would establish an expedited proceeding to review the Department's decision to issue a suspension or cancellation notice to a member firm for its failure to comply with requirements of Rule 4111. If a member firm does not request a hearing, the suspension or cancellation will become effective seven days after service of the notice.[64]

Hearings (Proposed Amendments to the Hearing Procedures Rule)

If a member firm requests a hearing under proposed Rule 9561, the hearing would be subject to Rule 9559 (Hearing Procedures for Expedited Proceedings Under the Rule 9550 Series). FINRA is proposing several amendments to Rule 9559 that would be specific to hearings requested pursuant to proposed Rule 9561.[65]

Effective Date

If the proposed rule is approved by the Commission, FINRA has indicated it will announce an effective date for the proposed rule in a Regulatory Notice to be published no later than 60 days following the Commission approval.[66] FINRA originally stated that the effective date would be no later than 60 days following publication of the Regulatory Notice announcing Commission approval.[67] However, FINRA has since extended the timeline of the effective date to 180 days after the Regulatory Notice announcing Commission approval.[68]

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2020–041 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings to further consider the proposed rule change and the issues raised by commenters.

Specifically, the Commission is providing notice of the following grounds for possible disapproval under consideration:

- Whether FINRA has demonstrated how its proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act, which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[69]

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Exchange Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [70] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[71] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[72]

For the reasons discussed above, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to allow for additional consideration of the issues raised by the proposed rule change as it determines whether the proposed rule change should be approved or disapproved.[73]

IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[74]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by March 24, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by March 31, 2021. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–FINRA–2020–041 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–FINRA–2020–041. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

cancellation; inform the member firm that it may file a request for a hearing in an expedited proceeding within seven days after service of the notice under Rule 9559; and explain the Hearing Officer's authority.

[64] *Id.* After a suspension has been imposed, a member firm could file a request under Rule 9561(b) to terminate the suspension on the ground of full compliance with the notice or decision, and the head of the Department would be permitted to grant relief for good cause shown.

[65] *Id.* Specifically, FINRA has proposed to (a) amend Rule 9559(d) and (n) to establish the authority of a Hearing Officer in expedited proceedings under Rule 9561; (b) amend Rule 9559(f) to set out timing requirements for hearings conducted under Rules 9561(a) and (b); and (c) amend Rule 9559(p)(6) to account for the obligations that may be imposed under proposed Rule 4111 within the content requirements of any decision issued by a Hearing Officer under the Rule 9550 Series. *See* proposed amended Rules 9559(d), (f), (n), and (p)(6). Additionally, FINRA has noted that in expedited proceedings conducted under proposed Rule 9561(a) to review a Department determination under the Restricted Firm Obligations Rule, a member firm would be permitted to try to demonstrate that the Department incorrectly included disclosure events when calculating whether the member firm meets the Preliminary Criteria for Identification. However, the member firm attempting to do so would not be permitted to collaterally attack the underlying merits of the final actions underlying the disclosure events. *See* Notice at 78550.

[66] *See* Notice at 78550.

[67] *Id.*

[68] *See* FINRA March 4 Letter *supra* n.31.

[69] 15 U.S.C. 78o–3(b)(6).

[70] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[71] *See id.*

[72] *See id.*

[73] 15 U.S.C. 78s(b)(2)(B).

[74] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File No. SR–FINRA–2020–041 and should be submitted on or before March 24, 2021. If comments are received, any rebuttal comments should be submitted on or before March 31, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[75]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04912 Filed 3–9–21; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 11373]

Notice of Public Meeting

The Department of State will conduct a public meeting at 9:30 a.m. on Tuesday, April 6, 2021, by way of teleconference. Members of the public may participate up to the capacity of the teleconference phone line, which will handle 500 participants. To access the teleconference line, participants should call (804) 469–0625 and use participant Code 974556036#.

The primary purpose of the meeting is to prepare for the 8th session of the International Maritime Organization's (IMO) Sub-Committee on Navigation, Communication, and Search and Rescue to be held remotely, April 19–23, 2021.

The agenda items to be considered include:

—Adoption of the agenda
—Decisions of other IMO bodies
—Routing measures and mandatory ship reporting systems
—Recognition of the Japanese regional navigation satellite system Quasi-Zenith Satellite System (QZSS) and development of performance standards for shipborne satellite navigation system receiver equipment
—Safety measures for non-SOLAS ships operating in polar waters
—Revision of SOLAS chapters III and IV for Modernization of the GMDSS, including related and consequential amendments to other existing instruments
—Response to matters related to the ITU–R Study Groups and ITU World Radiocommunication Conference
—Revision of the Guidelines on places of refuge for ships in need of assistance (resolution A.949(23))
—Developments in GMDSS services, including guidelines on Maritime safety information (MSI)
—Development of global maritime SAR services, including harmonization of maritime and aeronautical procedures
—Biennial status report and provisional agenda for NCSR 9
—Election of Chair and Vice-Chair for 2022
—Any other business

Please note: The Sub-Committee may on short notice, adjust the NCSR 8 agenda to accommodate the constraints associated with the virtual meeting format. Any updates will be provided at the public meeting and in advance, if possible, to anyone who RSVPs.

Those who plan to participate may contact the meeting coordinator, George Detweiler, by email at *George.H.Detweiler@uscg.mil,* by phone at (202) 372–1566, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7418, Washington, DC 20593–7418. A request for reasonable accommodation should be made at the time of RSVP, and not later than April 30. Requests received after that date will be considered, but might not be possible to fulfill.

Jeremy M. Greenwood,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2021–04982 Filed 3–9–21; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 11372]

Convening of an Accountability Review Board To Investigate the Murder of an Animal and Plant Health Inspection Service (APHIS) Locally Employed (LE) Staff Member in Tijuana, Mexico

Pursuant to Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended (22 U.S.C. 4831), the Department of State convened an Accountability Review Board (ARB) to review the October 2020 murder of an APHIS LE Staff member in Tijuana, Mexico. The ARB will examine the facts and circumstances surrounding the incident and submit its findings to the Secretary of State, together with any recommendations as appropriate. The Department has appointed George Staples, a retired U.S. ambassador, as Chair of the Board. The other Board members are retired U.S. Ambassador Janice Jacobs, Mr. Dirk Dijkerman, Mr. John Eustace, and Mr. Kimber Davidson. They bring to their deliberations distinguished backgrounds in government service.

The Board will submit its findings and recommendations to the Secretary of State. The Department will report to Congress on any recommendations made by the Board and actions taken with respect to those recommendations.

Anyone with information relevant to the Board's examination of these incidents should contact the Board via email promptly at *ARBTijuana2021@state.gov.*

Zachary A. Parker,

Director, Office of Directives Management.

[FR Doc. 2021–05004 Filed 3–9–21; 8:45 am]

BILLING CODE 4710–10–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: In prior notices, the U.S. Trade Representative modified the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by excluding from additional duties certain medical-care products needed to address the COVID–19 pandemic. To support efforts to combat COVID–19, on December 29, 2020, the U.S. Trade Representative announced the extension of certain product exclusions on medical-care and/or COVID response products and further modifications to remove Section 301 duties from additional medical-care and/or COVID response products. This notice announces the U.S. Trade Representative's determination to extend those exclusions.

[75] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

DATES: The extensions announced in this notice will extend the product exclusions through September 30, 2021. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler, Assistant General Counsels Benjamin Allen or Susie Park Hodge, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annexes to this notice, contact *traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

In the course of this investigation the U.S. Trade Representative has imposed additional duties on products of China in four tranches. *See* 83 FR 28719 (June 20, 2018); 83 FR 40823 (August 16, 2018); 83 FR 47974 (September 21, 2018), as modified by 83 FR 49153 (September 28, 2018); and 84 FR 43304 (August 20, 2019), as modified by 84 FR 69447 (December 18, 2019) and 85 FR 3741 (January 22, 2020).

For each tranche, the U.S. Trade Representative established a process by which U.S. stakeholders could request the exclusion of particular products subject to the action. The U.S. Trade Representative later established a process by which U.S. stakeholders could request the extension of particular exclusions. Additionally, on March 25, 2020, the U.S. Trade Representative requested public comments on possible further modifications to remove Section 301 duties from additional medical-care products to address the COVID–19 pandemic. 85 FR 16987 (March 25, 2020).

In light of the evolving nature of the battle against COVID–19, on December 29, 2020, USTR announced the extension of 80 product exclusions on medical-care and/or COVID response products; further modifications in the form of 19 product exclusions to remove Section 301 duties from additional medical-care and/or COVID response products; and that USTR might consider further extensions and/or modifications as appropriate. *See* 85 FR 85831 (the December 29 notice).

B. Determination To Extend Certain Exclusions

In light of the continuing efforts to combat COVID–19, the U.S. Trade Representative has determined that it is inappropriate to allow the exclusions for certain products to lapse. Accordingly, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, the U.S. Trade Representative has determined to extend the 99 product exclusions included in the December 29 notice through September 30, 2021, as specified in the Annex to this notice. The U.S. Trade Representative's decision to extend the 99 product exclusions takes into account public comments previously provided, and the advice of advisory committees the interagency Section 301 Committee.

As provided in the December 29 notice, the exclusions are available for any product that meets the description in the product exclusion. The U.S. Trade Representative may continue to consider further extensions and/or additional modifications as appropriate.

Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on April 1, 2021, and before 11:59 p.m. eastern daylight time on September 30, 2021, each of the article descriptions of headings 9903.88.62, 9903.88.63, 9903.88.64 and 9903.88.65 of the Harmonized Tariff Schedule of the United States are modified by deleting ''March 31, 2021,'' and by inserting ''September 30, 2021,'' in lieu thereof.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2021–04946 Filed 3–9–21; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0154; FMCSA–2014–0106; FMCSA–2014–0384; FMCSA–2015–0328; FMCSA–2017–0057; FMCSA–2018–0136]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for nine individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *https://www.regulations.gov.* Insert the docket number, FMCSA–2012–0154, FMCSA–2014–0106, FMCSA–2014–0384, FMCSA–2015–032, FMCSA–2017–0057, or FMCSA–2018–0136 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On January 15, 2021, FMCSA published a notice announcing its decision to renew exemptions for nine individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (86 FR 4175). The public comment period ended on February 16, 2021, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received one comment in this proceeding. The comment received was outside the scope of this notice.

IV. Conclusion

Based upon its evaluation of the nine renewal exemption applications and comment received, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of January and are discussed below:

As of January 15, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (86 FR 4175):

Stephen Goen (GA)
Jerry Jones (TX)
James Laughrey (KS)
Christopher McKenzie (TX)
Kathy Miller (IA)
Lesley O'Rorke (IL)
Gerson Ramirez (MT)
Michael Wilkes (MA)

The drivers were included in docket number FMCSA–2012–0154, FMCSA–2014–0106, FMCSA–2014–0384, FMCSA–2017–0057, or FMCSA–2018–0136. Their exemptions were applicable as of January 15, 2021, and will expire on January 15, 2023.

As of January 22, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Jaymes Haar (IA) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2015–0328. The exemption was applicable as of January 22, 2021, and will expire on January 22, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–04958 Filed 3–9–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treas.gov/ofac*).

Notice of OFAC Actions

On March 5, 2021, OFAC updated the entry on the SDN List for the following person, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authority listed below.

Individual

1. MORTEZAVI, Hasan (a.k.a. MORTEZAVI, Ali Hassan; a.k.a. MORTEZAVI, Majid; a.k.a. MORTEZAVI, Majid Mirali; a.k.a. ''ALI, Hassan''); DOB 28 Apr 1961; POB Ghazvin, Iran; citizen Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Passport 7572775 (Iran) (individual) [SDGT] [IRGC] [IFSR].

—to—

1. MORTEZAVI, Hasan (a.k.a. MORTEZAVI, Ali Hassan; a.k.a. MORTEZAVI, Sayyed Hasan; a.k.a. ''ALI, Hassan''), Iran; DOB 23 Aug 1964; POB Ghazvin, Iran; citizen Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport D9019576 (Iran) (individual) [SDGT] [IRGC] [IFSR].

Designated on August 3, 2010 pursuant to sections 1(c) of E.O. 13224 for acting for or on behalf of the ISLAMIC REVOLUTIONARY GUARD CORPS–QODS FORCE, a person whose property and interests in property are blocked pursuant to E.O. 13224 and 1(d)(i) of E.O. 13224 for providing financial, material, and technological support for, or financial or other services to or in support of, the TALIBAN, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: March 5, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–04984 Filed 3–9–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated

Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea M. Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On March 2, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. AL-HAMZI, Ahmad (Arabic: أحمد الحمزي) (a.k.a. AL-HAMZI, Ahmad 'Ali; a.k.a. AL-HAMZI, Ahmad 'Ali Ahsan; a.k.a. AL-HAMZI, Ahmed Ali; a.k.a. "AL-HAMZI, Muti'"), Yemen; DOB 1985; POB Sanaa al-Hamzat, Yemen; nationality Yemen; Gender Male; Commander of the Houthi Air Force (individual) [YEMEN].

   Designated pursuant to section 1(b) of Executive Order 13611 of May 16, 2012, "Blocking Property of Persons Threatening the Peace, Security, or Stability of Yemen," 3 CFR, 2001 Comp., p. 786, 77 FR 29533 (E.O. 13611), for being be a political or military leader of an entity that has engaged in the acts described in subsection 1(a) of E.O. 13611.

2. AL-SA'ADI, Mansur (a.k.a. AL SAADI, Mansoor Ahmed; a.k.a. AL-SA'ADI, Mansur Ahmad; a.k.a. "Abu Sajjad"), Yemen; DOB 1988; nationality Yemen; Gender Male; Houthi Commander of Yemen's Naval and Coastal Defense Forces (individual) [YEMEN].

   Designated pursuant to section 1(a) of E.O. 13611 for having engaged in acts that directly or indirectly threaten the peace, security, or stability of Yemen, such as acts that obstruct the implementation of the agreement of November 23, 2011, between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, or that obstruct the political process in Yemen.

Dated: March 2, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–04985 Filed 3–9–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice and request for comment; reopening of comment period.

SUMMARY: On October 27, 2020, the Department of the Treasury (Treasury) published a notice of availability and request for comments regarding an application to Treasury to reduce benefits under the Carpenters Pension Trust Fund-Detroit & Vicinity Pension Fund (Fund), in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to reopen the comment period for the Fund's application and provide more time for interested parties to provide comments.

DATES: Treasury is reopening the comment period for the notice regarding the Fund entitled ''Multiemployer Pension Plan Application to Reduce Benefits Comments,'' which was published in the **Federal Register** on October 27, 2020, (85 FR 68120). Treasury will accept comments received on this notice on or before April 9, 2021.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Commenters are strongly encouraged to submit public comments electronically. Treasury expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW, Room 1224, Washington, DC 20220, Attn: Danielle Norris. Comments sent via facsimile, telephone, or email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as your Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the internet can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: MPRA amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which must be approved or denied in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

On September 29, 2020, the Fund's Board of Trustees submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's website at *https://home.treasury.gov/services/the-multiemployer-pension-reform-act-of-2014/applications-for-benefit-suspension.* On October 27, 2020, Treasury published a notice in the **Federal Register** (85 FR 68120), in consultation with PBGC and the Department of Labor, to solicit public comments on all aspects of the Fund's application. The comment period in the notice published on October 27, 2020, closed on December 11, 2020.

This notice announces the reopening of the comment period on the Fund's application with respect to the notice published on October 27, 2020, until April 9, 2021, in order to give additional time for interested parties to provide comments.

Mark J. Mazur,

Deputy Assistant Secretary for Tax Policy.

[FR Doc. 2021–05002 Filed 3–9–21; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0386]

Agency Information Collection Activity: Interest Rate Reduction Refinancing Loan Worksheet

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 10, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0386'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0386'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Interest Rate Reduction Refinancing Loan Worksheet (VA 26–8923).

OMB Control Number: 2900–0386.

Type of Review: Extension of a currently approved collection.

Abstract: The major use of this form is to determine Veterans eligible for an exception to pay a funding fee in connection with a VA-guaranteed loan. Lenders are required to complete VA Form 26–8923 on all interest rate reduction refinancing loans and submit the form to the Veteran no later than the third business day after receiving the Veteran's application.

Affected Public: Individuals and households.

Estimated Annual Burden: 156,685 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Frequency of response is generally one time per IRRRL.

Estimated Number of Respondents: 662,065.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04895 Filed 3–9–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0094]

Agency Information Collection Activity: Supplement to VA Forms 21–526EZ, 21P–534EZ, and 21P–535 (For Philippine Claims)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the

Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 10, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0094'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0094'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 101 and 6104.

Title: Supplement to VA Forms 21–526EZ, 21P–534EZ, and 21P–535 (For Philippine Claims) (VA Form 21–4169).

OMB Control Number: 2900–0094.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–4169 is used to gather the necessary information to determine whether a claimant's service qualifies as service in the Commonwealth Army of the Philippines or recognized guerrilla organizations. The form is used for the sole purpose of collecting the information needed to determine eligibility for benefits based on such service, including service information, proof of service, place of residence, and membership in pro-Japanese, pro-German, or anti-American Filipino organizations.

This is an extension only with no substantive changes. The respondent burden has not changed.

Affected Public: Individuals and households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04898 Filed 3–9–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0654]

Agency Information Collection Activity: Annual Certification of Veteran Status and Veteran-Relatives

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 10, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0654'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0654'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 5 U.S.C. 552a(e)(10).

Title: Annual Certification of Veteran Status and Veteran-Relatives (VA Form 20–0344).

OMB Control Number: 2900–0654.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Form 20–0344 is necessary to ensure that benefit records of employees and employees' relatives are properly maintained in accordance with VA policy. Without the information provided on this form, VA would be unable to determine which benefit records require special handling to guard against fraud, conflict of interest, improper influence etc. by VA and non-VA employees.

This is a request to reinstate only with no substantive changes. The respondent burden did not change.

Affected Public: Individuals or Households.

Estimated Annual Burden: 5,834.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 14,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04995 Filed 3–9–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0510]

Agency Information Collection Activity: Application for Exclusion of Children's Income

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 10, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Maribel Aponte, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0510'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0510'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 103.

Title: Application for Exclusion of Children's Income (VA Form 21P–0571).

OMB Control Number: 2900–0510.

Type of Review: Extension of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for veterans, service personnel, and their dependents and/or beneficiaries. Title 38 U.S.C. 5101(a) provides that a specific claim in the form provided by the Secretary must be filed in order for benefits to be paid to any individual under the laws administered by the Secretary. VA Form 21P–0571, Application for Exclusion of Children's Income is used for the sole purpose of collecting the information needed to determine if the children's income is available to the beneficiary, and if it would cause a hardship to consider their income.

Affected Public: Individuals and households.

Estimated Annual Burden: 2,025 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,700.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04970 Filed 3–9–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0065]

Agency Information Collection Activity: Request for Employment Information in Connection With Claim for Disability Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 10, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0065'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0065'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility;

(2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1502.

Title: Request for Employment Information in Connection with Claim for Disability Benefits (VA Form 21–4192).

OMB Control Number: 2900–0065.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Form 21–4192 is used to gather necessary employment information from veterans' employers so VA can determine eligibility to increased disability benefits based on unemployability. Without this information, determination of entitlement would not be possible.

This is a reinstatement only, with no substantive changes, and the respondent burden has decreased.

Affected Public: Private Sector.

Estimated Annual Burden: 6,313 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 25,250.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04901 Filed 3–9–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: Survey of Individuals Using Their Entitlement to Educational Assistance Under the Educational Assistance Programs Administered by the Secretary of Veterans Affairs

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–NEW.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *Maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Survey Of Individuals Using Their Entitlement To Educational Assistance Under The Educational Assistance Programs Administered By The Secretary Of Veterans Affairs.

OMB Control Number: 2900–NEW.

Type of Review: New data collection.

Abstract: The Educational Assistance Program Feedback Survey is designed to measure experience of beneficiaries of educational assistance programs administered by the Veterans Affairs (VA), including under chapters 30, 32, 33, and 35 of title 38 United States Code. The information will help the VA improve programs and better serve Veterans interested in educational assistance. Educational Assistance Program feedback data will be collected using an online transactional survey or paper disseminated via an invitation email or mailed letter sent to selected beneficiaries. The survey questionnaire includes 52 questions, though in actuality due to branching depending on responses to each question respondents will complete anywhere from 8–49 questions (8 if respondents passed their benefit to dependents; 39–49 questions for all other respondents). The survey contains general rating-scale questions (*e.g.,* a scale of 1–5 from Very dissatisfied to Very satisfied; or Not at all effective to Extremely effective) to assess satisfaction with educational assistance programs, resources, training as well as questions assessing education/training outcomes (completion of program, current income level) and has been approved by the Education Service leadership. These questions have been mapped to the Public Law 114–315 (December 15, 2016) section 414. After the survey has been distributed, recipients will have two weeks to complete the survey. Invitees will receive a reminder email or mailed letter after one week. The sample will be distributed across four Education Benefit Programs: Post-9/11 GI Bill (Chapter 33), Montgomery GI Bill—Active Duty (Chapter 30), Veterans Education Assistance Program (VEAP; Chapter 32), and Survivors' and Dependents' Educational Assistance (DEA; Chapter 35). The overall sample size is determined so that the reliability of survey estimate is 3% Margin of Error at a 95% Confidence Level. Once data collection is completed, the participant responses in the survey will be weighted so that the samples more closely represent the overall population. Weighting models will rely on beneficiary age and gender.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 246 on December 22, 2020, page 83682.

Affected Public: Individuals.

Estimated Annual Burden: 180 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,080.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04996 Filed 3–9–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Wednesday,
No. 45 March 10, 2021

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1
Federal Acquisition Regulations; Final Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2021–0051, Sequence No. 2]

Federal Acquisition Regulation: Federal Acquisition Circular 2021–05; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of a final rule.

SUMMARY: This document summarizes technical amendments to the Federal Acquisition Regulation (FAR) in this Federal Acquisition Circular (FAC) 2021–05. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC.

DATES: For the effective date, see the separate document, which follows.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), at 202–501–4755 or *GSARegSec@gsa.gov,* for information pertaining to status or publication schedules. Please cite FAC 2021–05, Technical Amendments.

RULE LISTED IN FAC 2021–05

Subject
Technical Amendments

ADDRESSES: The FAC, including the SECG, is available via the internet at *https://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual technical amendments made by this rule, refer to the specific subject set forth in the document following the summary. FAC 2021–05 amends the FAR as follows:

Technical Amendments

Editorial changes are made at FAR 4.402 and 52.204–2.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2021–05 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator of National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2021–05 is effective March 10, 2021.

John M. Tenaglia,

Principal Director, Defense Pricing and Contracting, Department of Defense.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Karla Smith Jackson,

Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 2021–04849 Filed 3–9–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4 and 52

[FAC 2021–05; Docket No. FAR–2021–0052, Sequence No. 1]

Federal Acquisition Regulation: Technical Amendment

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make needed editorial changes.

DATES: *Effective:* March 10, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2021–05, Technical Amendment.

SUPPLEMENTARY INFORMATION: This document makes editorial changes to parts 4 and 52 of the FAR.

List of Subjects in 48 CFR Parts 4 and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 4 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 4 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE AND INFORMATION MATTERS

4.402 [Amended]

■ 2. Amend section 4.402 by—

■ a. In paragraph (b) introductory text, removing ''DoD publications'' and adding ''publications'' in its place;

■ b. In paragraph (b)(1), removing ''(DoD 5220.22–M)'' and adding ''(32 CFR part 117)'' in its place;

■ c. In paragraph (b)(2), removing the quotation mark in front of ''National''; and

■ d. In paragraph (c), removing ''Chapter 10 of the NISPOM'' and adding ''32 CFR 117.19'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.204–2 by—

■ a. Revising the date of the clause; and

■ b. In paragraph (b), removing ''(DOD 5220.22–M)'' and adding ''(32 CFR part 117)'' in its place.

The revision reads as follows:

52.204–2 Security Requirements.

* * * * *

Security Requirements (Mar 2021)

* * * * *

[FR Doc. 2021–04848 Filed 3–9–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2021–0051, Sequence No. 2]

Federal Acquisition Regulation: Federal Acquisition Circular 2021–05; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DoD, GSA, and NASA. This *Small Entity Compliance Guide* (SECG) has been prepared in accordance with section 212

of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2021–05, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding this rule by referring to FAC 2021–05, which precedes this document.

DATES: March 10, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), at 202–501–4755 or *GSARegSec@gsa.gov,* for information pertaining to status or publication schedules. Please cite FAC 2021–05, Technical Amendments.

RULE LISTED IN FAC 2021–05

Subject
Technical Amendments

ADDRESSES: The FAC, including the SECG, is available via the internet at *https://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual technical amendments made by this rule, refer to the specific amendments set forth in the document preceding this SECG. FAC 2021–05 amends the FAR as follows:

Technical Amendments

Editorial changes are made at FAR 4.402 and 52.204–2.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2021–04850 Filed 3–9–21; 8:45 am]

BILLING CODE 6820–EP–P

Reader Aids

Federal Register

Vol. 86, No. 45

Wednesday, March 10, 2021

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Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, MARCH

11847–12078 1
12079–12256 2
12257–12514 3
12515–12798 4
12799–13148 5
13149–13442 8
13443–13622 9
13623–13796 10

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10149 11847
10150 12515
10151 12517
10152 12519
10153 12523
10154 12525
10155 12527

Executive Orders:
14017 11849
14018 11855
14019 13623

Administrative Orders:
Notices:
Notice of March 2, 2021 12793
Notice of March 2, 2021 12795
Notice of March 2, 2021 12797
Notice of March 5, 2021 13621

5 CFR

532 ..... 11857, 12799

Proposed Rules:
849 13217

7 CFR

983 12799

Proposed Rules:
800 12119
984 12837

9 CFR

Proposed Rules:
Ch. I 13221
Ch. III 13221
149 12293
307 12122
350 12122
352 12122
354 12122
362 12122
381 12122
533 12122
590 12122
592 12122

12 CFR

302 12079

Proposed Rules:
700 13494
701 13494
702 13498
703 ..... 13494, 13498
704 13494
713 13494
1026 12839

13 CFR

120 13149

14 CFR

1 13629
11 ..... 13629, 13630
21 13630
39 ..... 12086, 12802, 12804, 12807, 12809, 13157, 13159, 13162, 13165, 13443, 13445, 13631, 13633, 13637, 13640
43 13630
47 13629
48 13629
71 ..... 11859, 11860, 13168, 13169, 13171, 13172, 13447, 13448, 13642, 13644
89 13629
91 13629
97 ..... 12812, 12815, 12816, 12819
107 ..... 13629, 13630
401 13448
404 13448
413 13448
414 13448
415 13448
417 13448
420 13448
431 13448
433 13448
435 13448
437 13448
440 13448
450 13448
460 13448

Proposed Rules:
39 ..... 12127, 12294, 12550, 12857, 12862, 13222, 13225, 13228, 13229, 13232, 13234, 13237, 13239, 13502, 13505, 13665
71 ..... 12129, 12865, 12866, 12868, 13242, 13244, 13246, 13247, 13249, 13668, 13670
73 12552

15 CFR

740 13173
742 13173
744 ..... 12529, 13173, 13179

16 CFR

317 12091

17 CFR

201 13645
275 13024
279 13024

18 CFR

157 12257

Proposed Rules:
4 13506
5 13506

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 25, 2021

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