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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.

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Monday, April 5, 2021

Presidential Documents

Title 3—

The President

Proclamation 10163 of March 31, 2021

César Chávez Day, 2021

By the President of the United States of America

A Proclamation

In his time, César E. Chávez witnessed a booming economy that served those at the top, but left millions of hardworking Americans behind—and he earned an enduring place in history by standing strong for the rights and dignity of the working people who built and sustained our Nation. Today, on what would have been his 94th birthday, we summon his courage and moral clarity to guide us as we face the ongoing challenges of a pandemic, a deeply unequal economic crisis, and a long overdue national reckoning on racial and economic justice. As we work to recover and rebuild an economy that rewards hard work and brings everyone along—including the immigrants and farm workers he championed, as well as the essential workers carrying our Nation on their backs today—we have no finer role model than César Chávez.

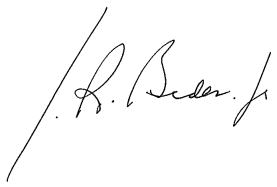
His legacy as the founder, along with Dolores Huerta, of the United Farm Workers of America, reminds us of the central place that organizing and collective bargaining holds in advancing the dignity and wellbeing of working Americans. It's a reminder that the power of workers coming together to bargain for a better deal is what built the American middle class and made possible the American dream. Chávez taught us: ''Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.'' That most American of sentiments is as resonant today as it has ever been, as we seek to build back our Nation in a way that brings every single one of us along.

He fasted. He marched. He organized. He stayed true to his convictions, and brought hope to millions for whom hope had often seemed too far away. To him, ''La Causa'' meant elevating our common humanity to the center of an agenda for progress. And that elevation meant organizing for safe and healthy workplaces, a living wage, protections against sickness and disability, time with family, and so much else that we continue to prize and fight for today.

I keep that lesson in my heart every day—and I was proud to place a bust of César Chávez in the Oval Office, so that no one who enters that historic room may forget the powerful truths his farm worker hands imparted. On César Chávez Day, let us recommit ourselves to the duty we have in service to one another to work toward equity and justice across our communities.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2021, as César Chávez Day. I call upon all Americans to observe this day as a day of service and learning, with appropriate service, community, and education programs to honor César Chávez's enduring legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



[FR Doc. 2021–07054
Filed 4–2–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Proclamation 10164 of March 31, 2021

Transgender Day of Visibility, 2021

By the President of the United States of America

A Proclamation

Today, we honor and celebrate the achievements and resiliency of transgender individuals and communities. Transgender Day of Visibility recognizes the generations of struggle, activism, and courage that have brought our country closer to full equality for transgender and gender non-binary people in the United States and around the world. Their trailblazing work has given countless transgender individuals the bravery to live openly and authentically. This hard-fought progress is also shaping an increasingly accepting world in which peers at school, teammates and coaches on the playing field, colleagues at work, and allies in every corner of society are standing in support and solidarity with the transgender community.

In spite of our progress in advancing civil rights for LGBTQ+ Americans, too many transgender people—adults and youth alike—still face systemic barriers to freedom and equality. Transgender Americans of all ages face high rates of violence, harassment, and discrimination. Nearly one in three transgender Americans have experienced homelessness at some point in life. Transgender Americans continue to face discrimination in employment, housing, health care, and public accommodations. The crisis of violence against transgender women, especially transgender women of color, is a stain on our Nation's conscience.

The Biden-Harris Administration is committed to fulfilling the promise of America for all Americans by stamping out discrimination and delivering freedom and equality for all.

To ensure that the Federal Government protects the civil rights of transgender Americans, I signed, on my first day in office, an Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. Today, we are proud to celebrate Transgender Day of Visibility alongside barrier-breaking public servants, including the first openly transgender American to be confirmed by the United States Senate, and alongside patriotic transgender service members, who are once again able to proudly and openly serve their country. We also celebrate together with transgender Americans across the country who will benefit from our efforts to stop discrimination and advance inclusion for transgender Americans in housing, in credit and lending services, in the care we provide for our veterans, and more.

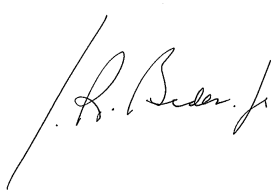
To more fully protect the civil rights of transgender Americans, we must pass the Equality Act and provide long overdue Federal civil rights protections on the basis of sexual orientation and gender identity. The Equality Act will deliver legal protections for LGBTQ+ Americans in our housing, education, public services, and lending systems. It will serve as a lasting legacy to the bravery and fortitude of the LGBTQ+ movement.

Vice President Harris and I affirm that transgender Americans make our Nation more prosperous, vibrant, and strong. I urge my fellow Americans to join us in uplifting the worth and dignity of every transgender person.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution

and the laws of the United States, do hereby proclaim March 31, 2021, as Transgender Day of Visibility. I call upon all Americans to join in the fight for full equality for all transgender people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



[FR Doc. 2021–07064
Filed 4–2–21; 8:45 am]
Billing code 3295–F1–P

Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0982; Project Identifier MCAI–2020–01037–T; Amendment 39–21478; AD 2021–07–01]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a report that the oil used to protect the nose landing gear (NLG) main fittings for transportation and storage was not removed before final heat treatment of the affected parts, possibly generating sub-surface cavities during heat treatment of the affected parts. This AD requires replacing each affected NLG main fitting with a serviceable part, as specified in a European Union Aviation Safety Agency (EASA), which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 10, 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–2020–0982.

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–2020–0982; 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: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0165, dated July 23, 2020 (EASA AD 2020–0165) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A318, A319, and A321 series airplanes and Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes. Model A320–215 airplanes 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 airplanes in the applicability.

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 SAS Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on November 5, 2020 (85 FR 70523). The NPRM was prompted by a report that the oil used to protect the NLG main fittings for transportation and storage was not removed before final heat treatment of the affected parts, possibly generating sub-surface cavities during heat treatment of the affected parts. The NPRM proposed to require replacing each affected NLG main fitting with a serviceable part, as specified in EASA AD 2020–0165.

The FAA is issuing this AD to address possible sub-surface cavities in the NLG main fittings, which could cause detrimental impact on fatigue performance and affect the structural integrity of the NLG. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) indicated its support for the NPRM.

Explanation of Typographical Error

A typographical error in paragraph (c)(3) of the proposed AD was introduced during the publication process. This AD corrects that typographical error. Paragraph (c)(3) of the proposed AD specified Model A320–251 airplanes, however the correct Model designation is Model A320–251N airplanes. The Summary and Discussion sections of the proposed AD, along with the incorporated by reference document, correctly identified the affected airplanes. The FAA has revised paragraph (c)(3) of this AD accordingly.

Request To Revise the Costs of Compliance Section

An individual commenter recommended that the FAA expand on the estimated cost analysis by providing more support for labor costs and quantifying the parts cost. The commenter stated that the overall cost estimate seemed low, and noted that no parts cost estimate was included in the NPRM. The commenter suggested that the FAA could provide a breakdown of how the labor hours were calculated, as well as a parts cost estimate. The

commenter noted that landing gears on Airbus airplanes are expensive, and provided a link to a document with information on the cost of main landing gears on Airbus products. The individual commenter also recommended that the FAA provide a brief quantitative benefit analysis. The commenter stated that a benefit analysis would bolster the proposition that the FAA is following statutory text, but acknowledged that consideration of the benefits might not be required since the proposed AD corrects an unsafe condition. The commenter stated that these recommendations will help prevent this rulemaking from being considered arbitrary.

The FAA agrees to clarify the labor and parts cost estimate. The manufacturer determines labor cost estimates and provides a breakdown of those costs in Airbus Mandatory Service Bulletin A320–32–1492, dated November 25, 2019; and Airbus Mandatory Service Bulletin A320–32–1493, dated November 25, 2019. This service information is available in the AD docket. The 8 work-hours specified in this final rule matches the manufacturer's estimate. In regards to parts cost, the document that the commenter referred to includes information on the cost of main landing gears (not nose landing gears). The replacement part specified in this AD is a main fitting associated with the nose landing gear, and not the entire nose landing gear assembly. The FAA has received new parts cost information and has updated the parts cost for the main fitting. In addition, as noted in the NPRM, some or all of the costs may be covered under warranty, but the FAA does not control warranty coverage and has therefore included all known costs in the estimate.

As for the request that the FAA conduct a ''benefit analysis'' of the AD, as a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA determines that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already determined that those requirements establish a level of safety that is cost beneficial. If the FAA later makes a finding of an unsafe condition in an aircraft and issues an AD to address that unsafe condition, that means the original cost-benefit level of safety is no longer being achieved and that the required AD actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost beneficial, and because the AD does not add an additional regulatory requirement that increases the level of safety beyond the level established by the type design, a full cost-benefit analysis for each AD would be redundant and unnecessary. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the change described previously and minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0165 describes procedures for replacing each NLG main fitting having a certain part number and serial number 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.

Costs of Compliance

The FAA estimates that this AD affects 15 airplanes 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
8 work-hours × $85 per hour = $680	$82,215.49	$82,895.49	$1,243,432.35

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

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:

2021–07–01 Airbus SAS: Amendment 39–21478; Docket No. FAA–2020–0982; Project Identifier MCAI–2020–01037–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 10, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, as identified in paragraphs (c)(1) through (4) of this AD.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report that the oil used to protect the nose landing gear (NLG) main fittings for transportation and storage was not removed before final heat treatment of the affected parts, possibly generating sub-surface cavities during heat treatment of the affected parts. The FAA is issuing this AD to address possible sub-surface cavities in the NLG main fittings, which could cause detrimental impact on fatigue performance and affect the structural integrity of the NLG.

(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 2020–0165, dated July 23, 2020 (EASA AD 2020–0165).

(h) Exceptions to EASA AD 2020–0165

(1) Where EASA AD 2020–0165 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0165 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0165 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 (k) 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 (j)(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.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

(l) 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 2020–0165, dated July 23, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0165, 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 EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) 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–2020–0982.

(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 March 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06897 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1134; Project Identifier MCAI–2020–01053–T; Amendment 39–21475; AD 2021–06–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2017–19–25, which applied to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and Model C–295 airplanes. AD 2017–19–25 required repetitive inspections and operational

checks of the affected fuel valves, and corrective actions if necessary. This AD continues to require repetitive inspections and operational checks of the affected fuel valves, and corrective actions if necessary, and also limits the installation of affected parts to those that are maintained in accordance with certain instructions, as specified in a European Union Aviation Safety Agency (EASA), which is incorporated by reference. This AD was prompted by a determination that it is necessary to limit the installation of affected parts specified in AD 2017–19–25 to those parts that are maintained in accordance with certain instructions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 10, 2021.

ADDRESSES: For the 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–2020–1134.

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–2020–1134; 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: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0212, dated August 27, 2019 (EASA AD 2019–0212) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and Model C–295 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2017–19–25, Amendment 39–19055 (82 FR 44895, September 27, 2017) (AD 2017–19–25). AD 2017–19–25 applied to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and Model C–295 airplanes. The NPRM published in the **Federal Register** on December 17, 2020 (85 FR 81851). The NPRM was prompted by leakage of a motorized cross-feed fuel valve and a determination that it is necessary to limit the installation of affected parts specified in AD 2017–19–25 to those parts that are maintained in accordance with certain instructions. The NPRM proposed to continue to require repetitive inspections and operational checks of the affected fuel valves, and corrective actions if necessary, as specified in EASA AD 2019–0212. The NPRM also proposed to limit the installation of affected parts to those that are maintained in accordance with certain instructions, as specified in EASA AD 2019–0212.

The FAA is issuing this AD to address leaks in a motorized fuel valve, which could lead to failure of the fuel valve and consequent improper fuel system functioning or, in case of the presence of an ignition source, an airplane fire. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2019–0212 describes procedures for repetitive inspections and operational checks of the affected fuel valves (cycling procedures and reapplication of grease or overhaul as applicable), and corrective actions if necessary. Corrective actions include replacement. EASA AD 2019–0212 also describes procedures for reporting inspection results.

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.

Costs of Compliance

The FAA estimates that this AD affects 8 airplanes 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
3 work-hours × $85 per hour = $255	$0	$255	$2,040

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
5 work-hours × $85 per hour = $425	$38,448	$38,873

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the on-condition reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $85 per product.

The FAA has received no definitive data on which to base the cost estimates for the on-condition corrective actions for the operational check specified in this AD.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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.

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:

■ a. Removing Airworthiness Directive (AD) 2017–19–25, Amendment 39–19055 (82 FR 44895, September 27, 2017), and

■ b. Adding the following new AD:

2021–06–08 Airbus Defense and Space S.A. (Formerly known as Construcciones Aeronauticas, S.A.): Amendment 39–21475; Docket No. FAA–2020–1134; Project Identifier MCAI–2020–01053–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 10, 2021.

(b) Affected ADs

This AD replaces AD 2017–19–25, Amendment 39–19055 (82 FR 44895, September 27, 2017) (AD 2017–19–25).

(c) Applicability

This AD applies to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and Model C–295 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by leakage of a motorized cross-feed fuel valve and a determination that it is necessary to limit the installation of affected parts to those parts that are maintained in accordance with certain instructions. The FAA is issuing this AD to address leaks in a motorized fuel valve, which could lead to failure of the fuel valve and consequent improper fuel system functioning or, in case of the presence of an ignition source, an airplane fire.

(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 2019–0212, dated August 27, 2019 (EASA AD 2019–0212).

(h) Exceptions to EASA AD 2019–0212

(1) Where EASA AD 2019–0212 refers to April 25, 2016 (the effective date of EASA AD 2016–0071) or January 23, 3017 (the effective date of EASA AD 2017–0004), this AD requires using November 1, 2017 (the effective date of AD 2017–19–25).

(2) Where EASA AD 2019–0212 refers to its effective date, this AD requires using the effective date of this AD.

(3) The ''Remarks'' section of EASA AD 2019–0212 does not apply to this AD.

(4) Although the service information referenced in EASA AD 2019–0212 specifies to submit all inspection findings to the manufacturer, this AD requires reporting only as specified in paragraph (8) of EASA AD 2019–0212.

(5) Where paragraph (5) of EASA AD 2019–0212 specifies ''any discrepancy,'' for this AD

''any discrepancy'' is defined as the valve not opening or closing as commanded during the operational check.

(6) Paragraph (8) of EASA AD 2019–0212 specifies to report inspection results to Airbus Defense and Space S.A. within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(6)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 60 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 60 days after the effective date of 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 Defense and Space S.A.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Paperwork Reduction Act Burden Statement:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(j) Related Information

For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@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 May 10, 2021.

(i) European Union Aviation Safety Agency (EASA) AD 2019–0212, dated August 27, 2019.

(ii) [Reserved]

(4) For EASA AD 2019–0212, 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 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–2020–1134.

(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 10, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06910 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1112; Project Identifier MCAI–2020–01127–T; Amendment 39–21481; AD 2021–07–04]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all ATR–GIE Avions de Transport Régional Model ATR42 airplanes and Model ATR72 airplanes. This AD was prompted by in-service data, which revealed that the minimum operating airspeeds in severe icing conditions, computed to provide adequate stall margins, do not provide sufficient margins to stall speeds at high bank angle while exiting severe icing conditions. This AD requires revising the existing aircraft flight manual (AFM) and applicable corresponding operational procedures to provide emergency procedures and limitations for operating in severe icing conditions, 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 is effective May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 10, 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–2020–1112.

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–2020–1112; 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: Shahram Daneshmandi, Aerospace

Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0177, dated August 11, 2020 (EASA AD 2020–0177) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, –400, and –500 airplanes; and Model ATR72 airplanes. Model ATR42–400 airplanes 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 airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, and –500 airplanes; and Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes. The NPRM published in the **Federal Register** on December 8, 2020 (85 FR 78974). The NPRM was prompted by in-service data, which revealed that the minimum operating airspeeds in severe icing conditions, computed to provide adequate stall margins, do not provide sufficient margins to stall speeds at high bank angle while exiting severe icing conditions. The NPRM proposed to require revising the existing AFM and applicable corresponding operational procedures to provide emergency procedures and limitations for operating in severe icing conditions, as specified in EASA AD 2020–0177.

The FAA is issuing this AD to address airplane stalling due to inadvertent exposure to severe icing conditions, which could result in loss of control of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comment received. The Air Line Pilots Association, International (ALPA) stated that it supports the NPRM.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0177 specifies procedures for revising the AFM to provide emergency procedures and limitations for operating in severe icing conditions. 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.

Costs of Compliance

The FAA estimates that this AD affects 59 airplanes 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
1 work-hour × $85 per hour = $85	$0	$85	$5,015

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.

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:

2021–07–04 ATR–GIE Avions de Transport Régional: Amendment 39–21481; Docket No. FAA–2020–1112; Project Identifier MCAI–2020–01127–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 10, 2021.

(b) Affected ADs

(1) This AD affects AD 96–09–28, Amendment 39–9604 (61 FR 20646, May 7, 1996) (AD 96–09–28).

(2) This AD affects AD 99–09–19, Amendment 39–11152 (64 FR 23766, May 4, 1999) (AD 99–09–19).

(c) Applicability

This AD applies to all ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, and –500 airplanes; and Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

(e) Reason

This AD was prompted by in-service data, which revealed that the minimum operating airspeeds in severe icing conditions, computed to provide adequate stall margins, do not provide sufficient margins to stall speeds at high bank angle while exiting severe icing conditions. The FAA is issuing this AD to address airplane stalling due to inadvertent exposure to severe icing conditions, which could result in loss of control of 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 2020–0177, dated August 11, 2020 (EASA AD 2020–0177).

(h) Exceptions to EASA AD 2020–0177

(1) Where EASA AD 2020–0177 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0177 does not apply to this AD.

(3) Paragraph (1) of EASA AD 2020–0177 specifies amending ''the AFM [aircraft flight manual] with the data as specified in Table 1,'' but this AD requires amending ''the existing AFM and applicable corresponding operational procedures to incorporate the limitations and procedures specified in Table 1 of EASA AD 2020–0177.''

(4) The provisions specified in paragraphs (3) and (4) of EASA AD 2020–0177 do not apply to this AD.

(i) Terminating Action for ADs 96–09–28 and 99–09–19

(1) Accomplishing the actions required by this AD terminates the requirements of paragraphs (a)(1) and (2) of AD 96–09–28 for that airplane.

(2) Accomplishing the actions required by this AD terminates all requirements of AD 99–09–19 for that airplane.

(j) 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 (k) 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 ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

(l) 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 2020–0177, dated August 11, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0177, 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 EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) 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–2020–1112.

(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 March 18, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06899 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0913; Project Identifier MCAI–2020–00971–T; Amendment 39–21480; AD 2021–07–03]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2015–05–03, which applied to certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. AD 2015–05–03 required revising the existing maintenance or inspection program, as applicable, to incorporate new or revised maintenance requirements and airworthiness limitations, and incorporating structural repairs and modifications to preclude widespread fatigue damage (WFD). This AD continues to require the actions specified in AD 2015–05–03. This AD also requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, and incorporating additional structural repairs and modifications to preclude WFD. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary, as well as the corresponding structural repairs and modifications to preclude WFD. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of April 21, 2015 (80 FR 13758, March 17, 2015).

ADDRESSES: For service information identified in this final rule, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free phone: +1–844–272–2720 or direct-dial phone: +1–514–855–8500; fax: +1–514–855–8501; email: *thd.crj@mhirj.com;* internet: *https://mhirj.com.* You may view this referenced service information 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 on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0913.

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–2020–0913; 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: Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7330; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2014–07R1, dated July 13, 2020 (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0913.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–05–03, Amendment 39–18113 (80 FR 13758, March 17, 2015) (AD 2015–05–03). AD 2015–05–03 applied to certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on October 14, 2020 (85 FR 64987). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary, as well as the corresponding structural repairs and modifications to preclude WFD. The NPRM proposed to continue to require the actions specified in AD 2015–05–03. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, and incorporating structural repairs and modifications to preclude WFD. The FAA is issuing this AD to address WFD, which could adversely affect the structural integrity of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comment received on the NPRM and the FAA's response to each comment.

Request To Include Credit for Actions Accomplished Using Additional Repair Engineering Orders (REOs)

MHI RJ Aviation ULC (MHI) requested that the FAA revise the NPRM to include credit for initial inspections accomplished using certain Bombardier REOs that were not specified in paragraph (l) of the proposed AD. MHI specified that, since issuance of the MCAI, it has continued to support U.S. operators with REOs. MHI provided the additional REOs and specified the applicable manufacturer serial number for each specific REO.

The FAA agrees for the reasons provided. Additionally, the FAA finds that including the additional REOs would allow operators of the affected airplanes to receive credit for the initial inspections required by the service information specified in paragraph (j) of this AD if those actions were performed before the effective date of this AD using those REOs without requesting an alternative method of compliance. The FAA has revised figure 1 to paragraph (l) of this AD accordingly.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule with the change described previously and minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

MHI RJ Aviation has issued Bombardier Temporary Revision 2B–2280, dated June 12, 2020. This service information, among other actions, describes airworthiness limitation (AWL) Task 53–41–207, which specifies airworthiness limitations and inspections for fuselage and longitudinal skin splices at stringers (STR) 6 and 20.

This AD also requires the following service information, which the Director of the Federal Register approved for incorporation by reference as of April 21, 2015 (80 FR 13758, March 17, 2015).

- AWL Task 53–41–110, Longitudinal Str. 6 splice butt strap at Str. 6, FS409.0 to FS617.0, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053.
- AWL Task 53–41–204, Frame splice angles at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053.

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 431 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2015–05–03 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the agency has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or

inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has received no definitive data that would enable us to provide cost estimates for the repairs and modifications specified in this AD.

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,

(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:

■ a. Removing Airworthiness Directive (AD) 2015–05–03, Amendment 39–18113 (80 FR 13758, March 17, 2015), and

■ b. Adding the following new AD:

2021–07–03 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–21480; Docket No. FAA–2020–0913; Project Identifier MCAI–2020–00971–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 10, 2021.

(b) Affected ADs

This AD replaces AD 2015–05–03, Amendment 39–18113 (80 FR 13758, March 17, 2015) (AD 2015–05–03).

(c) Applicability

This AD applies to MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 through 7990 inclusive, and 8000 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary, as well as the corresponding structural repairs and modifications to preclude widespread fatigue damage (WFD). The FAA is issuing this AD to address WFD, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of Maintenance or Inspection Program, With Certain Requirements Removed and Updated Language

This paragraph restates the requirements of paragraph (g) of AD 2015–05–03, with certain requirements removed and updated language. Within 60 days after April 21, 2015 (the effective date of AD 2015–05–03): Revise the existing maintenance or inspection program, as applicable, by incorporating the airworthiness limitations (AWL) tasks specified in paragraphs (g)(1) and (2) of this AD. The initial compliance times for the tasks start from the applicable threshold times specified in Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of Appendix B, Airworthiness Limitations, of Bombardier CL–600–2B19, Maintenance Requirements Manual, CSP A–053; except that, for airplanes that have accumulated more than 38,000 total flight cycles as of April 21, 2015, the initial compliance time for the AWL tasks is before the accumulation of 2,000 flight cycles after April 21, 2015.

(1) AWL Task 53–41–110, Longitudinal Str. 6 splice butt strap at Str. 6, FS409.0 to FS617.0, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053.

(2) AWL Task 53–41–204, Frame splice angles at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053.

(h) Retained No Alternative Actions or Intervals, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2015–05–03, with no changes. After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (n)(1) of this AD.

(i) Retained Repairs and Modifications, With Changed Paragraph References

This paragraph restates the requirements of paragraph (i) of AD 2015–05–03, with changed paragraph references. Before the accumulation of 60,000 total flight cycles: Install repairs and modifications to preclude WFD at locations specified in the tasks identified in paragraphs (g)(1) and (2) of this AD, using a method approved by the Manager, New York ACO, FAA; or Transport Canada Civil Aviation (TCCA); or MHI RJ Aviation ULC's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) New Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in AWL Task 53–41–207, as specified in Bombardier Temporary Revision 2B–2280, dated June 12, 2020. The initial compliance time for doing the tasks is at the time specified in AWL task 53–41–207, as specified in Bombardier Temporary Revision 2B–2280, dated June 12, 2020, or within 60 days after the effective date of this AD, whichever occurs later.

(k) New No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) or

intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (n)(1) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for the initial inspections required by the service information specified in paragraph (j) of this AD, if those actions were performed before the effective date of this AD using the Bombardier repair engineering orders (REOs) specified in Figure 1 to paragraph (l) of this AD.

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Figure 1 to paragraph (l) – *REOs Equivalent to Initial Inspection*

Airplane Serial Number -	Bombardier REO -
7168	601R-53-00-714, Revision --, dated January 30, 2019
7437	601R-53-00-722, Revision --, dated March 28, 2019
7574	601R-53-00-725, Revision --, dated June 4, 2019
7667	601R-53-00-726, Revision --, dated June 4, 2019
7640	601R-53-00-727, Revision --, dated June 25, 2019
7636	601R-53-00-728, Revision --, dated June 15, 2019
7400	601R-53-00-730, Revision --, dated June 20, 2019
7660	601R-53-00-731, Revision --, dated June 20, 2019
7638	601R-53-00-732, Revision --, dated June 24, 2019
7523	601R-53-00-734, Revision --, dated June 25, 2019
7425	601R-53-00-735, Revision --, dated June 25, 2019
7568	601R-53-00-737, Revision --, dated July 15, 2019
7873	601R-53-00-739, Revision --, dated July 15, 2019
7536	601R-53-00-741, Revision – A, dated July 23, 2019
7657	601R-53-00-742, Revision --, dated July 23, 2019
7682	601R-53-00-752, Revision --, dated August 22, 2019
7656	601R-53-00-753, Revision --, dated August 22, 2019
7904	601R-53-00-754, Revision --, dated August 26, 2019
7687	601R-53-00-758, Revision --, dated September 9, 2019
7879	601R-53-00-762, Revision --, dated November 4, 2019
7447	601R-53-00-763, Revision --, dated October 30, 2019
7256	601R-53-00-765, Revision --, dated October 21, 2019

Airplane Serial Number -	Bombardier REO -
7663	601R-53-00-767, Revision --, dated November 1, 2019
7457	601R-53-00-769, Revision --, dated October 29, 2019
7257	601R-53-00-772, Revision --, dated November 20, 2019
7569	601R-53-00-777, Revision --, dated December 11, 2019
7695	601R-53-00-780, Revision --, dated January 6, 2020
7880	601R-53-00-785, Revision --, dated February 1, 2020
7490	601R-53-00-787, Revision --, dated February 27, 2020
7366	601R-53-00-790, Revision --, dated February 26, 2020
7306	601R-53-00-795, Revision --, dated April 16, 2020
7479	601R-53-00-797, Revision --, dated June 17, 2020
7487	601R-53-00-798, Revision --, dated June 17, 2020
7786	601R-53-00-800, Revision --, dated July 29, 2020
7566	601R-53-00-801, Revision --, dated August 10, 2020
7889	601R-53-00-804, Revision --, dated September 12, 2020
7742	601R-53-00-813, Revision --, dated November 5, 2020
7892	601R-53-00-814, Revision --, dated November 5, 2020

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(m) New Repairs and Modifications

Before the accumulation of 60,000 total flight cycles: Install repairs and modifications to preclude WFD at locations specified in the tasks identified in paragraph (j) of this AD, using a method approved by the Manager, New York ACO, FAA; or TCCA; or MHI RJ Aviation ULC 's TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; fax: 516–794–5531.

(i) 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.

(ii) AMOCs approved previously for AD 2015–05–03, are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(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, New York ACO Branch, FAA; or TCCA; or MHI RJ Aviation ULC's TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2014–07R1, dated July 13, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0913.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer,

Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7330; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

(p) 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 May 10, 2021.

(i) Bombardier Temporary Revision 2B–2280, dated June 12, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on April 21, 2015 (80 FR 13758, March 17, 2015).

(i) Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053:

(A) AWL Task 53–41–110, Longitudinal Str. 6 splice butt strap at Str. 6, FS409.0 to FS617.0; and

(B) AWL Task 53–41–204, Frame splice angles at STR 6 and 20.

(ii) [Reserved]

(5) For service information identified in this AD, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free phone: +1–844–272–2720 or direct-dial phone: +1–514–855–8500; fax: +1–514–855–8501; email: *thd.crj@mhirj.com;* internet: *https://mhirj.com.*

(6) You may view this service information 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.

(7) 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 March 18, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–06893 Filed 4–2–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1119; Project Identifier 2019–SW–089–AD; Amendment 39–21484; AD 2021–07–07]

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 EC 155B and EC155B1 helicopters. This AD was prompted by a report of mechanical deformation of the protective cover of the ''SHEAR'' control pushbutton on the copilot collective stick. This AD requires replacement of the protective cover of the ''SHEAR'' control pushbutton on the pilot and copilot collective sticks and re-identification of the pilot and copilot collective sticks, 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 is effective May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 10, 2021.

ADDRESSES: 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–2020–1119.

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–2020–1119; 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: Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; phone: 562–627–5353; email: *katherine.venegas@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0246, dated October 1, 2019 (EASA AD 2019–0246) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model EC 155B and EC155B1 helicopters.

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 EC 155B and EC155B1 helicopters. The NPRM published in the **Federal Register** on January 15, 2021 (86 FR 3883). The NPRM was prompted by a report of mechanical deformation of the protective cover of the ''SHEAR'' control pushbutton on the copilot collective stick. The NPRM proposed to require replacement of the protective cover of the ''SHEAR'' control pushbutton on the pilot and copilot collective sticks and re-identification of the pilot and copilot collective sticks, as specified in an EASA AD.

The FAA is issuing this AD to address mechanical deformation of the protective cover of the ''SHEAR'' control pushbutton on the copilot collective stick, which could lead to uncommanded shearing of the hoist cable and possible injury to hoisted person(s). See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor

editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2019–0246 describes procedures for replacement of the protective cover of the ''SHEAR'' control pushbutton on the pilot and copilot collective sticks and re-identification of the pilot and copilot collective sticks. 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.

Differences Between This AD and the MCAI

Where paragraph (1) of EASA AD 2019–0246 refers to a table for the compliance time for the modification, for this AD, the compliance time for the modification is before any hoist operations after the effective date of this AD but no later than 3 months after the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD affects 17 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
2 work-hours × $85 per hour = $170	$2,446	$2,616	$44,472

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

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:

2021–07–07 Airbus Helicopters: Amendment 39–21484; Docket No. FAA–2020–1119; Project Identifier 2019–SW–089–AD.

(a) Effective Date

This airworthiness directive (AD) is effective May 10, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC 155B and EC155B1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6700, Rotorcraft flight control.

(e) Reason

This AD was prompted by a report of mechanical deformation of the protective cover of the ''SHEAR'' control pushbutton on the copilot collective stick. The FAA is issuing this AD to address mechanical deformation of the protective cover of the ''SHEAR'' control pushbutton on the copilot collective stick, which could lead to uncommanded shearing of the hoist cable and possible injury to hoisted person(s).

(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 2019–0246, dated October 1, 2019 (EASA AD 2019–0246).

(h) Exceptions to EASA AD 2019–0246

(1) Where EASA AD 2019–0246 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0246 does not apply to this AD.

(3) Where the service information referenced in EASA AD 2019–0246 specifies to use tooling, equivalent tooling may be used.

(4) Where paragraph (1) of EASA AD 2019–0246 refers to a table for the compliance time for the modification, for this AD, the compliance time for the modification is before the first hoist operation done after the effective date of this AD but no later than 3 months after the effective date of this AD.

(5) Although the service information referenced in EASA 2019–0246 specifies to discard certain parts, this AD does not include that requirement.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is not used for hoist operations and no passengers are onboard.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, 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 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 the person identified in paragraph (k) of this AD. Information may be emailed to: *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.

(k) Related Information

For more information about this AD, contact Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; phone: 562–627–5353; email: *katherine.venegas@faa.gov.*

(l) 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 2019–0246, dated October 1, 2019.

(ii) [Reserved]

(3) For EASA AD 2019–0246, dated October 1, 2019, 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–2020–1119.

(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 March 19, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06867 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0182; Product Identifier 2020–NM–072–AD; Amendment 39–21474; AD 2021–06–07]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A330–200 series and A330–300 series airplanes. This AD was prompted by reports of cracked flexible hoses in the courier area oxygen system (CAOS). This AD requires repetitive detailed inspections of the CAOS and replacement of affected parts if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective April 20, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 2021.

The FAA must receive comments on this AD by May 20, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Elbe Flugzeugwerke GmbH Customer Support, Grenzstraße 1 01109, Dresden, Germany; phone: +49 351 8839 2749; fax: +49 351 8839 2125; email: *efw.techpub@efw.aero;* internet: *https://www.elbeflugzeugwerke.com/en/.* You may view this referenced service information 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 on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0182.

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–2021–0182; or in person at the Docket Operations office 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 the Docket Operations office is listed above.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0215, dated September 4, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A330–201, A330–202, A330–203, A330–223, A330–243, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342 and A330–343 airplanes. You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0182.

This AD was prompted by reports of cracked flexible hoses in the CAOS. The FAA is issuing this AD to address cracked CAOS hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hoses of the CAOS, which, in combination with in-flight depressurization or smoke evacuation procedure, could result in injury to occupants of the courier area. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Elbe Flugzeugwerke GmbH (EFW) has issued Service Bulletin EFW–SB–35–0001, dated March 8, 2019; and Service Bulletin EFW–SB–35–0002, dated September 2, 2019. This service information describes procedures for repetitive detailed inspections (including functional tests) of the CAOS to detect any leakage or damage (cracking) in the 32209-series oxygen distribution hoses installed in the courier area and in lavatory A, and replacement.

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.

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 and service information referenced above. The FAA is issuing this AD because the FAA evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in the service information described previously.

FAA's Justification and Determination of the Effective Date

There are currently no domestic operators of these products. Therefore, the FAA finds that notice and opportunity for prior public comment are unnecessary and that good cause exists 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–2021–0182; Product Identifier 2020–NM–072–AD'' 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 Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@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

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
20 work-hours × $85 per hour = $1,700	$0	$1,700

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
7 work-hours × $85 per hour = $595	$13,485	$14,080

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 adding the following new airworthiness directive:

2021–06–07 Airbus SAS: Amendment 39–21474; Docket No. FAA–2021–0182; Product Identifier 2020–NM–072–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 20, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category, converted to freighter airplanes in accordance with FAA supplemental type certificate (STC) ST04038NY and STC ST04045NY.

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

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

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by reports of cracked flexible hoses in the courier area oxygen system (CAOS). The FAA is issuing this AD to address cracked CAOS hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hoses of the CAOS, which, in combination with in-flight depressurization or smoke evacuation procedure, could result in injury to occupants of the courier area.

(f) Compliance

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

(g) Definitions

The definitions in paragraphs (g)(1) and (2) of this AD apply.

(1) An affected part is a 32209-series oxygen flexible hose used in the CAOS, having a part number specified in figure 1 to paragraph (g)(1) of this AD.

Figure 1 to paragraph (g)(1) – *Affected part numbers*

32209H0136K000
32209E0314F090
32209E0190C
32209E0230C
32209E0266C

(2) A serviceable part is an affected part that is new (never previously installed), or that, before further flight after installation into the CAOS, has passed an inspection and functional test (no leakage or damage found) as specified in paragraph (h) of this AD.

(h) Required Actions

Within 1,600 flight hours after the effective date of this AD and thereafter at intervals not to exceed 1,600 flight hours: Do a detailed inspection (including functional testing) for leakage or damage of the CAOS and lavatory A oxygen system in accordance with the Accomplishment Instructions of Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0001, dated March 8, 2019; or Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0002, dated September 2, 2019; as applicable.

(i) Corrective Actions

If, during any inspection required by paragraph (h) of this AD, any leakage or damage (*i.e.,* cracking) is found, replace the affected part before further flight, in accordance with the Accomplishment Instructions of Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0001, dated March 8, 2019; or Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0002, dated September 2, 2019; as applicable.

(j) Parts Installation Limitation

As of the effective date of this AD, installation of an affected part, as defined in paragraph (g)(1) of this AD, on any airplane is allowed, provided it is a serviceable part, as defined in paragraph (g)(2) of this AD.

(k) No Reporting Requirement

Although Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0001, dated March 8, 2019; and Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0002, dated September 2, 2019; specify to submit certain information to the manufacturer, this AD does not include that requirement.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue,

Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of 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, New York ACO Branch, FAA; or the European Union Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2019–0215, dated September 4, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0182.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(n) 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) Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0001, dated March 8, 2019.

(ii) Elbe Flugzeugwerke GmbH Service Bulletin EFW–SB–35–0002, dated September 2, 2019.

(3) For service information identified in this AD, contact Elbe Flugzeugwerke GmbH Customer Support, Grenzstraße 1 01109, Dresden, Germany; phone: +49 351 8839 2749; fax: +49 351 8839 2125; email: *efw.techpub@efw.aero;* internet: *https://www.elbeflugzeugwerke.com/en/.*

(4) You may view this service information 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.

(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 March 10, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06911 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0190; Project Identifier AD–2020–01348–T; Amendment 39–21479; AD 2021–07–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–200 series airplanes. This AD was prompted by reports indicating that the pitot heat switch is not always set to ON, which could result in misleading air data. This AD requires replacement of pitot anti-icing system components, installation of a junction box and wiring provisions, repetitive testing of the anti-icing system, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 20, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 20, 2021.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of June 26, 2019 (84 FR 23458, May 22, 2019).

The FAA must receive comments on this AD by May 20, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information 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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0190.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0190; 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 street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5851; fax: 562–627–5210; email: *jeffrey.w.palmer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA has received reports indicating that the pitot heat switch is not always set to ON, which could result in misleading air data. The failure to activate the manually activated pitot anti-icing system likely resulted in misleading air data that contributed to an accident and three incidents involving Boeing Model 737 airplanes. This condition, if not addressed, could result in the air data sensors not being heated, which could allow ice to form on the sensors and cause erroneous air data. This erroneous air data can lead to loss of crew situational awareness and could ultimately result in the inability to maintain continued safe flight and landing.

FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020. The service information describes procedures for replacement and repetitive testing of the

P5–9 window and pitot heat module, and changing the anti-icing system to automatically supply power to heat the air data sensors.

This AD also requires Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017; and Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017, which the Director of the Federal Register approved for incorporation by reference as of June 26, 2019 (84 FR 23458, May 22, 2019).

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.

Minimum Equipment List (MEL) Provision

The FAA allows operators to utilize a MEL provision for time-limited operation with certain equipment inoperative, after which the system must be fully restored. (See 14 CFR 91.213, 121.628, 125.201, and 129.14.) This AD continues to allow use of an existing FAA-approved MEL even if the modified air data probe heat (ADPH) system is inoperable, so long as the operator's existing FAA-approved MEL has a provision to allow for this inoperability.

AD Requirements

This AD requires accomplishing the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020, described previously, except as discussed under ''Differences Between this AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this AD.

This AD also requires accomplishing the actions specified in Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017; and Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017, described previously.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0190.

Differences Between This AD and the Service Information

The FAA previously issued AD 2019–09–01, Amendment 39–19635 (84 FR 23458, May 22, 2019) (AD 2019–09–01), which applies to the airplanes identified in Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017. This AD requires using Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020, which adds Model 737–200 series airplanes having variable numbers PK625 through PK627 inclusive to the effectivity. The unsafe condition and requirements are the same for this AD and AD 2019–09–01. This AD therefore applies only to the 737–200 series airplanes having variable numbers PK625 through PK627 inclusive.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) 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 providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no U.S.-registered airplanes affected by this AD. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3). In addition, for the foregoing reason(s), 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 data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include Docket No. FAA–2021–0190 and Project Identifier AD–2020–01348–T 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 Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5851; fax: 562–627–5210; email: *jeffrey.w.palmer@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (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

Currently, there are no affected U.S.-registered airplanes. For any affected airplane that is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement (Boeing Alert Service Bulletin 737–30A1064).	6 work-hours × $85 per hour = $510	$0	$510.
Repetitive tests (Boeing Alert Service Bulletin 737–30A1064).	5 work-hours × $85 per hour = $425 per inspection cycle.	0	$425 per inspection cycle.
J18 Junction box installation (Boeing Service Bulletin 737–30–1067).	Up to 75 work-hours × $85 per hour = Up to $6,375.	23,614	Up to $29,989.
Installation of wire provisions (Boeing Service Bulletin 737–30–1068).	Up to 193 work-hours × $85 per hour = Up to $16,405.	4,800	Up to $21,205.

The FAA has received no definitive data that would enable providing cost estimates for the on-condition actions specified in this AD.

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, 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 adding the following new airworthiness directive:

2021–07–02 The Boeing Company: Amendment 39–21479; Docket No. FAA–2021–0190; Project Identifier AD–2020–01348–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 20, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–200 series airplanes, having variable numbers PK625 through PK627 inclusive, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

(e) Unsafe Condition

This AD was prompted by reports indicating that the pitot heat switch is not always set to ON, which could result in misleading air data. The FAA is issuing this AD to address misleading air data, which can lead to loss of crew situational awareness and could ultimately result in the inability to maintain continued safe flight and landing.

(f) Compliance

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

(g) Actions for Group 6 Airplanes

Except as specified by paragraph (i) of this AD, for airplanes identified as Group 6 in Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020.

(h) Concurrent Requirements

Except as specified by paragraph (i) of this AD: Prior to or concurrently with the actions required by paragraph (g) of this AD, install a new J18 junction box to change the anti-icing system, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017, and install wiring provisions to the anti-icing system, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017.

(i) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020, uses the phrase ''the Revision 2 date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017, specifies contacting Boeing for repair instructions: This AD requires doing the repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017, which was incorporated by reference in AD 2019–09–01, Amendment 39–19635, (84 FR 23458, May 22, 2019).

(k) Minimum Equipment List (MEL)

In the event that the air data probe heat (ADPH) system as modified by this AD is inoperable, an airplane may be operated as specified in the operator's existing FAA-approved MEL, provided the operator's existing FAA-approved MEL includes provisions that address the modified ADPH system.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (m)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (l)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

(1) For more information about this AD, contact Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5851; fax: 562–627–5210; email: *jeffrey.w.palmer@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(5) and (6) of this AD.

(n) 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 April 20, 2021.

(i) Boeing Alert Service Bulletin 737–30A1064, Revision 2, dated June 26, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on June 26, 2019 (84 FR 23458, May 22, 2019).

(i) Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017.

(ii) Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017.

(5) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(6) You may view this service information 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.

(7) 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 March 17, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06896 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0186; Project Identifier MCAI–2020–01489–T; Amendment 39–21476; AD 2021–06–09]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This AD was prompted by a report indicating that a passenger door opened under residual cabin pressure during taxiing after landing, and following the display of the CAB PRESS CTL alert. This AD requires revising the existing airplane flight manual (AFM) to update the Cabin Pressurization Control Fault procedure, 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 April 20, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 20, 2021.

The FAA must receive comments on this AD by May 20, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0186.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0186; 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.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3226; email: *tom.rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD

2020–0238, dated November 4, 2020 (EASA AD 2020–0238) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes.

This AD was prompted by a report indicating that a passenger door opened under residual cabin pressure during taxiing after landing, and following the display of the CAB PRESS CTL alert. After this event occurred, the AFM procedures were reviewed and it was determined that the Cabin Pressurization Control Fault procedure may have the potential for confusion if the associated alert appears after landing. The FAA is issuing this AD to address the consequences of a passenger door opening forcefully under residual cabin pressure, including injury to cabin crew or ground personnel. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0238 specifies procedures for updating the Cabin Pressurization Control Fault procedure of the applicable AFM. 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 evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0238 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

EASA AD 2020–0238 requires operators to ''inform all flight crews'' of revisions to the AFM, and thereafter to ''operate the aeroplane accordingly.'' However, this AD would not specifically require those actions as those actions are already required by FAA regulations.

FAA regulations require operators furnish to pilots any changes to the AFM (ex: 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (ex: 14 CFR 91.505). As with any other training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review.

FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that no person may operate a civil aircraft without complying with the operating limitations specified in the AFM. Therefore, including a requirement in this AD to operate the airplane according to the revised AFM would be redundant and unnecessary. Further, compliance with such a requirement in an AD would be impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the airplane in such a manner would be unenforceable.

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, EASA AD 2020–0238 is incorporated by reference in this final rule. This AD, therefore, requires compliance with EASA AD 2020–0238 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 2020–0238 that is required for compliance with EASA AD 2020–0238 is available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0186.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) 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 providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no U.S. registered airplanes affected by this AD. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3). In addition, for the foregoing reasons, 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–2021–0186; Project Identifier MCAI–2020–01489–T'' 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 Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3226; email: *tom.rodriguez@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

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$0	$85

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 adding the following new airworthiness directive:

2021–06–09 Fokker Services B.V.: Amendment 39–21476; Docket No. FAA–2021–0186; Project Identifier MCAI–2020–01489–T.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 20, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 31, Instruments.

(e) Reason

This AD was prompted by a report indicating that a passenger door opened under residual cabin pressure during taxiing after landing, and following the display of the CAB PRESS CTL alert. The FAA is issuing this AD to address the consequences of a passenger door opening forcefully under residual cabin pressure, including injury to cabin crew or ground personnel.

(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, EASA AD 2020–0238, dated November 4, 2020 (EASA AD 2020–0238).

(h) Exceptions to EASA AD 2020–0238

(1) Where EASA AD 2020–0238 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0238 does not apply to this AD.

(3) Where paragraph (2) of EASA AD 2020–0238 specifies to ''incorporate the amendment in the AFM [airplane flight manual]'' after contacting Fokker Services to obtain the applicable AFM amendment instructions, this AD requires incorporation of the amendment in the existing AFM before further flight after receipt from Fokker Services.

(4) Whereas paragraphs (1) and (2) of EASA AD 2020–0238 specify to ''inform all flight crews, and, thereafter, operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(j) 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 (k) 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 Fokker's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3226; email: *tom.rodriguez@faa.gov.*

(l) 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 2020–0238, dated November 4, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0238, 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.*

(4) 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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0186.

(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 March 11, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–06913 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0253; Project Identifier MCAI–2021–00220–T; Amendment 39–21491; AD 2021–07–14]

RIN 2120–AA64

Airworthiness Directives; Yaborã Indústria Aeronáutica S.A. (Type Certificate Previously Held by Embraer S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Yaborã Indústria Aeronáutica S.A. Model EMB–135 and EMB–145 airplanes. This AD was prompted by a report involving disconnection of a side arm strut from the right main landing gear (MLG); a subsequent investigation found that the side arm strut lower bearing was installed inverted on the airplane. This AD requires doing a general visual inspection of the right and left MLG to verify certain conditions and doing all applicable on-condition actions, as specified in an Agência Nacional de Aviação Civil (ANAC) 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 April 20, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 20, 2021.

The FAA must receive comments on this AD by May 20, 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:* Deliver to Mail address above 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 National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, BRAZIL, Tel: 55 (12) 3203–6600; Email: *pac@anac.gov.br*; internet *www.anac.gov.br/en/.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* You may also 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–2021–0253.

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–2021–0253; 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.

FOR FURTHER INFORMATION CONTACT: Ho-Joon Lim, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3405; email *ho-joon.lim@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2021–02–02, effective February 26, 2021; corrected February 26, 2021 (ANAC AD 2021–02–02) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI); to correct an unsafe condition for all Yaborã Indústria Aeronáutica S.A. Model EMB–135 and EMB–145 airplanes. Model EMB–145EU, –145LU, and –145MK airplanes (which are included in the MCAI applicability) 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 airplanes in the applicability.

This AD was prompted by a report involving disconnection of a side arm

strut from the right MLG; a subsequent investigation found that the side arm strut lower bearing was installed inverted on the airplane. Further inspections found more instances of inverted installations on other airplanes as well as other improper installations (*e.g.,* damaged or missing sealant, or grease fittings incorrectly installed). The FAA is issuing this AD to address disconnection of the MLG side arm strut, which could prevent the MLG from being locked in the down position and possibly lead to loss of control of the airplane during take-off and landing. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

ANAC AD 2021–02–02 specifies procedures for doing a general visual inspection of the right and left MLG to verify the following: That the grease fittings are installed on the same side of the MLG lower side arm and the fittings are facing the flight direction, that the flanges of the MLG side arm bearings are facing the flight direction, and that there is no migration of the MLG side arm bearings. ANAC AD 2021–02–02 also specifies procedures for applicable on-condition actions, including replacing the MLG lower side arm and the MLG side arm bearings with serviceable parts, and reinstalling the MLG lower side arm and the MLG bearing in the correct position. 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 evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in ANAC AD 2021–02–02 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 the European Union Aviation Safety Agency (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, ANAC AD 2021–02–02 is incorporated by reference in this final rule. This AD, therefore, requires compliance with ANAC AD 2021–02–02 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Service information specified in ANAC AD 2021–02–02 that is required for compliance with ANAC AD 2021–02–02 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0253.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) 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 providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

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 forgoing notice and comment prior to adoption of this rule because disconnection of the MLG side arm strut could prevent the MLG from being locked in the down position and possibly lead to loss of control of the airplane during take-off and landing. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, 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, for the same reasons the FAA found good cause to forgo notice and comment.

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–2021–0253; Project Identifier MCAI–2021–00220–T'' 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 Ho-Joon Lim, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3405; email *ho-joon.lim@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 304 airplanes 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
1 work-hour × $85 per hour = $85	$0	$85	$25,840

The FAA estimates that it would take about 1 work-hour per product to comply with the on-condition reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $25,840, or $85 per product.

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
6 work-hours × $85 per hour = $510	$14,532.32	$15,042.32

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number. The OMB control number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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 adding the following new airworthiness directive:

2021–07–14 Yaborã Indústria Aeronáutica S.A. (Type Certificate Previously Held by Embraer S.A.): Amendment 39–21491; Docket No. FAA–2021–0253; Project Identifier MCAI–2021–00220–T.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 20, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Yaborã Indústria Aeronáutica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Main landing gear.

(e) Reason

This AD was prompted by a report involving disconnection of a side arm strut from the right main landing gear (MLG); a subsequent investigation found that the side arm strut lower bearing was installed inverted on the airplane. The FAA is issuing this AD to address disconnection of the MLG side arm strut, which could prevent the MLG from being locked in the down position and

possibly lead to loss of control of the airplane during take-off and landing.

(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, Agência Nacional de Aviação Civil (ANAC) AD 2021–02–02, effective February 26, 2021; corrected February 26, 2021 (ANAC AD 2021–02–02).

(h) Exceptions to ANAC AD 2021–02–02

(1) Where ANAC AD 2021–02–02 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Alternative method of compliance (AMOC)'' section of ANAC AD 2021–02–02 does not apply to this AD.

(3) Paragraph (c) of ANAC AD 2021–02–02 specifies to report inspection results to ANAC and Yaborã Indústria Aeronáutica S.A. within a certain compliance time. For this AD, report inspection results only if any discrepancies (*i.e.,* positioning of the grease fittings is incorrect, installation of the bearings are inverted, bearings have migrated) are found at the applicable time specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) If the inspections were done on or after the effective date of this AD: Submit the report within 10 days after the inspection.

(ii) If the inspections were done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(4) Where figure 2 of ANAC AD 2021–02–02 specifies an ''arrow indication,'' this AD allows installation of all spherical bearings with arrows missing and/or with evidence of spherical bearing rotation (arrows misaligned with the MLG lower side arm center line), provided that the spherical bearings are original equipment manufacturer (OEM) units.

(5) Where paragraph (a) of ANAC AD 2021–02–02 states to ''refer to'' certain airplane maintenance manual (AMM) and component maintenance manual (CMM) procedures for removal and installation of the MLG lower side arm and the MLG side arm bearings, this AD requires those AMM and CMM procedures. Therefore, those actions must be done in accordance with the applicable AMM and CMM procedures specified in ANAC AD 2021–02–02.

(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 ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(j) Related Information

For more information about this AD, contact Ho-Joon Lim, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3405; email *ho-joon.lim@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.

(i) Agência Nacional de Aviação Civil (ANAC) AD 2021–02–02, effective February 26, 2021; corrected February 26, 2021.

(ii) [Reserved]

(3) For ANAC AD 2021–02–02, contact the National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, BRAZIL, Tel: 55 (12) 3203–6600; Email: *pac@anac.gov.br*; internet *www.anac.gov.br/en/.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

(4) 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–2021–0253.

(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 March 25, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–07010 Filed 4–1–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31361; Amdt. No. 3949]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 5, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 5, 2021.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South

MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29, Room 104, Oklahoma City, OK 73169. Telephone (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on March 19, 2021.

Wade Terrell,

Aviation Safety, Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CRF part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 22 April 2021

King Salmon, AK, PAKN, RNAV (GPS) RWY 12, Amdt 2A

King Salmon, AK, PAKN, RNAV (GPS) RWY 30, Amdt 2A

Bentonville, AR, Bentonville Muni/Louise M Thaden Field, VOR–A, Amdt 14, CANCELLED

Sacramento, CA, KSAC, RNAV (GPS) RWY 2, Amdt 1

Orlando, FL, KMCO, ILS OR LOC RWY 17L, ILS RWY 17L (SA CAT I), ILS RWY 17L (CAT II), ILS RWY 17L (CAT III), Amdt 4

Orlando, FL, KMCO, RNAV (GPS) RWY 17L, Amdt 2

Atlanta, GA, KATL, ILS OR LOC RWY 8L, ILS RWY 8L (SA CAT I), ILS RWY 8L (CAT II), ILS RWY 8L (CAT III), Amdt 6

Atlanta, GA, KATL, ILS OR LOC RWY 8R, Amdt 62

Atlanta, GA, KATL, ILS OR LOC RWY 9L, Amdt 11

Atlanta, GA, KATL, ILS OR LOC RWY 9R, ILS RWY 9R (SA CAT I), ILS RWY 9R (CAT II), ILS RWY 9R (CAT III), Amdt 20

Atlanta, GA, KATL, ILS OR LOC RWY 26L, Amdt 22

Atlanta, GA, KATL, ILS OR LOC RWY 26R, ILS RWY 26R (SA CAT I), ILS RWY 26R (SA CAT II), Amdt 8

Atlanta, GA, KATL, ILS OR LOC RWY 27L, ILS RWY 27L (SA CAT I), ILS RWY 27L (CAT II), Amdt 19
Atlanta, GA, KATL, ILS PRM RWY 8L (CLOSE PARALLEL), ILS PRM RWY 8L (CLOSE PARALLEL) (SA CAT I), ILS PRM RWY 8L (CLOSE PARALLEL) (CAT II), ILS PRM RWY 8L (CLOSE PARALLEL) (CAT III), Amdt 3
Atlanta, GA, KATL, ILS PRM RWY 8R (CLOSE PARALLEL), Amdt 3
Atlanta, GA, KATL, ILS PRM RWY 9L (CLOSE PARALLEL), Amdt 3
Atlanta, GA, KATL, ILS PRM RWY 9R (CLOSE PARALLEL), ILS PRM RWY 9R (SA CAT I) (CLOSE PARALLEL), ILS PRM RWY 9R (CAT II) (CLOSE PARALLEL), ILS PRM RWY 9R (CAT III) (CLOSE PARALLEL), Amdt 3
Atlanta, GA, KATL, ILS PRM RWY 26L (CLOSE PARALLEL), Amdt 3
Atlanta, GA, KATL, ILS PRM RWY 26R (CLOSE PARALLEL), ILS PRM RWY 26R (CLOSE PARALLEL) (SA CAT I), ILS PRM RWY 26R (CLOSE PARALLEL) (SA CAT II), Amdt 4
Atlanta, GA, KATL, ILS PRM RWY 27L (CLOSE PARALLEL), ILS PRM RWY 27L (CLOSE PARALLEL) (SA CAT I), ILS PRM RWY 27L (CLOSE PARALLEL) (CAT II), Amdt 4
Grand Rapids, MN, KGPZ, ILS OR LOC RWY 34, Amdt 3
Grand Rapids, MN, KGPZ, RNAV (GPS) RWY 34, Amdt 1
Nashua, NH, KASH, ILS OR LOC RWY 14, Amdt 2
Nashua, NH, KASH, RNAV (GPS) RWY 14, Amdt 2
Nashua, NH, KASH, RNAV (GPS) RWY 32, Amdt 2
Alamogordo, NM, KALM, RNAV (GPS) RWY 4, Amdt 2
Alamogordo, NM, KALM, VOR RWY 4, Amdt 3, CANCELLED
Las Vegas, NV, KLAS, RNAV (GPS) Y RWY 19R, Amdt 3A
Columbus, OH, KCMH, ILS OR LOC RWY 10L, Amdt 20
Columbus, OH, KCMH, ILS OR LOC RWY 10R, ILS RWY 10R (SA CAT I), ILS RWY 10R (SA CAT II), Amdt 10
Columbus, OH, KCMH, ILS OR LOC RWY 28L, ILS RWY 28L (SA CAT I), ILS RWY 28L (SA CAT II), Amdt 31
Columbus, OH, KCMH, ILS OR LOC RWY 28R, Amdt 5
Columbus, OH, KCMH, RNAV (GPS) Y RWY 10L, Amdt 4
Columbus, OH, KCMH, RNAV (GPS) Y RWY 10R, Amdt 4
Columbus, OH, KCMH, RNAV (GPS) Y RWY 28L, Amdt 4
Columbus, OH, KCMH, RNAV (GPS) Y RWY 28R, Amdt 3
Columbus, OH, KCMH, RNAV (RNP) Z RWY 10L, Amdt 2
Columbus, OH, KCMH, RNAV (RNP) Z RWY 10R, Amdt 2
Columbus, OH, KCMH, RNAV (RNP) Z RWY 28L, Amdt 2
Columbus, OH, KCMH, RNAV (RNP) Z RWY 28R, Amdt 2
Memphis, TN, General Dewitt Spain, VOR RWY17, Orig-B, CANCELLED
Millington, TN, Charles W Baker, VOR RWY 18, Amdt 2A, CANCELLED
Pulaski, TN, Abernathy Field, Takeoff Minimums and Obstacle DP, Amdt 5
Austin, TX, KAUS, ILS OR LOC RWY 18L, ILS RWY 18L (SA CAT I), ILS RWY 18L (CAT II), ILS RWY 18L (CAT III), Amdt 4
Austin, TX, KAUS, ILS OR LOC RWY 18R, Amdt 6
Austin, TX, KAUS, ILS OR LOC RWY 36L, Amdt 7
Austin, TX, KAUS, ILS OR LOC RWY 36R, ILS RWY 36R (SA CAT I), ILS RWY 36R (SA CAT II), Amdt 4B
Austin, TX, KAUS, RNAV (GPS) Y RWY 18L, Amdt 3
Austin, TX, KAUS, RNAV (GPS) Y RWY 18R, Amdt 3
Austin, TX, KAUS, RNAV (GPS) Y RWY 36L, Amdt 3
Austin, TX, KAUS, RNAV (GPS) Y RWY 36R, Amdt 2A
Austin, TX, KAUS, RNAV (RNP) Z RWY 18L, Amdt 2
Austin, TX, KAUS, RNAV (RNP) Z RWY 18R, Amdt 2
Austin, TX, KAUS, RNAV (RNP) Z RWY 36L, Amdt 2
Austin, TX, KAUS, RNAV (RNP) Z RWY 36R, Amdt 2
Austin, TX, Austin-Bergstrom Intl, Takeoff Minimums and Obstacle DP, Amdt 2A
Dallas-Fort Worth, TX, KDFW, RNAV (GPS) RWY 18L, Amdt 1C
Dallas-Fort Worth, TX, KDFW, RNAV (GPS) RWY 18R, Amdt 1C
Houston, TX, KIAH, ILS OR LOC RWY 27, ILS REY 27 (SA CAT I), ILS RWY 27 (CAT II), ILS RWY 27 (CAT III), Amdt 11C
Houston, TX, KIAH, RNAV (GPS) Z RWY 27, Amdt 5B
Houston, TX, KIAH, RNAV (RNP) Y RWY 27, Amdt 2B
Rice Lake, WI, KRPD, ILS OR LOC RWY 1, Orig-C

RESCINDED: On March 05, 2021 (86 FR 12819), the FAA Published an Amendment in Docket No. 31355 Amdt No. 3943, to Part 97 of the Federal Aviation Regulations Under Section 97.29 and 97.33. The Following Entries for Kahului, HI, and Dallas-Fort Worth, TX, Effective April 22, 2021, are Hereby Rescinded in Their Entirety:

North Little Rock, AR, KORK, RNAV (GPS) RWY 5, Amdt 1A
Kahului, HI, Kahului, ILS OR LOC RWY 2, Amdt 26
Dallas-Fort Worth, TX, KDFW, ILS OR LOC RWY 36L, ILS RWY 36L (CAT II), ILS RWY 36L (CAT III), Amdt 5

[FR Doc. 2021–06917 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31362; Amdt. No. 3950]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 5, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 5, 2021.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg., 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on March 19, 2021.

Wade Terrell,

Aviation Safety, Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * * *

. . . *Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
22–Apr–21	IA	Marshalltown	Marshalltown Muni	0/0038	12/21/20	This NOTAM, published in Docket No. 31360, Amdt No. 3948, TL 21–09, (86 FR 15579; March 24, 2021) is hereby rescinded in its entirety.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
22–Apr–21	IA	Marshalltown	Marshalltown Muni	0/0039	12/21/20	This NOTAM, published in Docket No. 31360, Amdt No. 3948, TL 21–09, (86 FR 15579; March 24, 2021) is hereby rescinded in its entirety.
22–Apr–21	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	0/6238	12/8/20	This NOTAM, published in Docket No. 31360, Amdt No. 3948, TL 21–09, (86 FR 15579; March 24, 2021) is hereby rescinded in its entirety.
22–Apr–21	TX	Wink	Winkler County	1/6460	2/24/21	This NOTAM, published in Docket No. 31360, Amdt No. 3948, TL 21–09, (86 FR 15579; March 24, 2021) is hereby rescinded in its entirety.
22–Apr–21	NJ	Belmar/Farmingdale	Monmouth Exec	1/0037	3/3/21	RNAV (GPS) RWY 32, Orig-C.
22–Apr–21	NJ	Belmar/Farmingdale	Monmouth Exec	1/0038	3/3/21	VOR–A, Amdt 3C.
22–Apr–21	NE	Chadron	Chadron Muni	1/0213	3/3/21	NDB RWY 21, Amdt 12C.
22–Apr–21	NE	Chadron	Chadron Muni	1/0214	3/3/21	RNAV (GPS) RWY 21, Amdt 2B.
22–Apr–21	NE	Chadron	Chadron Muni	1/0215	3/3/21	RNAV (GPS) RWY 3, Amdt 1B.
22–Apr–21	NE	Chadron	Chadron Muni	1/0216	3/3/21	ILS OR LOC RWY 3, Amdt 2C.
22–Apr–21	NE	Chadron	Chadron Muni	1/0217	3/3/21	RNAV (GPS) RWY 30, Orig-B.
22–Apr–21	NE	Chadron	Chadron Muni	1/0218	3/3/21	RNAV (GPS) RWY 12, Orig-B.
22–Apr–21	GA	Thomson	Thomson-McDuffie County.	1/0928	3/4/21	VOR/DME–A, Amdt 4.
22–Apr–21	LA	Patterson	Harry P Williams Meml.	1/1182	2/23/21	ILS OR LOC RWY 24, Amdt 2F.
22–Apr–21	NJ	Belmar/Farmingdale	Monmouth Exec	1/1216	3/3/21	RNAV (GPS) RWY 14, Orig-D.
22–Apr–21	NH	Jaffrey	Jaffrey/Silver Ranch	1/1537	3/3/21	RNAV (GPS)-B, Orig.
22–Apr–21	NH	Jaffrey	Jaffrey/Silver Ranch	1/1538	3/3/21	VOR–A, Amdt 8.
22–Apr–21	IA	Marshalltown	Marshalltown Muni	1/1689	3/8/21	VOR RWY 31, Amdt 2A.
22–Apr–21	IA	Marshalltown	Marshalltown Muni	1/1692	3/8/21	VOR RWY 13, Amdt 2A.
22–Apr–21	CA	Hawthorne	Jack Northrop Fld/ Hawthorne Muni.	1/2085	3/8/21	LOC RWY 25, Amdt 12A.
22–Apr–21	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	1/2535	3/9/21	ILS OR LOC RWY 16L, Amdt 8B.
22–Apr–21	LA	Patterson	Harry P Williams Meml.	1/6484	2/23/21	RNAV (GPS) RWY 6, Orig-C.
22–Apr–21	LA	Patterson	Harry P Williams Meml.	1/6485	2/23/21	RNAV (GPS) RWY 24, Amdt 1D.
22–Apr–21	MN	Orr	Orr Rgnl	1/6836	3/3/21	RNAV (GPS) RWY 13, Orig-C.
22–Apr–21	TX	Longview	East Texas Rgnl	1/8118	3/3/21	RNAV (GPS) RWY 13, Amdt 1B.
22–Apr–21	CO	Akron	Colorado Plains Rgnl	1/9514	3/3/21	VOR RWY 29, Orig-B.
22–Apr–21	MO	Caruthersville	Caruthersville Meml	1/9538	3/3/21	RNAV (GPS) RWY 18, Amdt 1B.
22–Apr–21	MO	Caruthersville	Caruthersville Meml	1/9539	3/3/21	VOR/DME RWY 18, Orig-A.
22–Apr–21	MO	Caruthersville	Caruthersville Meml	1/9540	3/3/21	RNAV (GPS) RWY 36, Amdt 1A.
22–Apr–21	MI	Midland	Jack Barstow	1/9572	3/3/21	RNAV (GPS) RWY 6, Amdt 1A.
22–Apr–21	MI	Midland	Jack Barstow	1/9573	3/3/21	VOR–A, Amdt 7A.
22–Apr–21	MI	Midland	Jack Barstow	1/9575	3/3/21	RNAV (GPS) RWY 24, Amdt 1A.
22–Apr–21	TX	San Antonio	Stinson Muni	1/9874	3/3/21	RNAV (GPS) RWY 32, Orig-C.
22–Apr–21	TX	San Antonio	Stinson Muni	1/9875	3/3/21	VOR RWY 32, Amdt 14B.

[FR Doc. 2021–06916 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 249 and 274

[Release No. 34–91364; IC–34227; File No. S7–03–21]

RIN 3235–AM84

Holding Foreign Companies Accountable Act Disclosure

AGENCY: Securities and Exchange Commission.

ACTION: Interim final rule; request for comment.

SUMMARY: We are adopting interim final amendments to Forms 20–F, 40–F, 10–K, and N–CSR to implement the disclosure and submission requirements of the Holding Foreign Companies Accountable Act (''HFCA Act''). The interim final amendments will apply to registrants that the Securities and Exchange Commission (''Commission'') identifies as having filed an annual report with an audit report issued by a registered public accounting firm that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board (''PCAOB'') is unable to inspect or investigate completely because of a position taken by an authority in that jurisdiction. Consistent with the HFCA Act, the amendments require the submission of documentation to the Commission establishing that such a registrant is not owned or controlled by a governmental entity in that foreign jurisdiction and also require disclosure in a foreign issuer's annual report regarding the audit arrangements of, and governmental influence on, such registrants.

DATES:

Effective date: The interim final rule is effective on May 5, 2021.

Compliance date: See **SUPPLEMENTARY INFORMATION** for discussion on compliance dates.

Comments due date: Comments should be received on or before May 5, 2021.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/submitcomments.htm*).

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–03–21. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's website (*http://www.sec.gov/rules/interim-final-temp.shtml*). Comments are also 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 a.m. and 3 p.m. Due to pandemic conditions, however, access to the Commission's public reference room is not permitted at this time. 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.

We or the staff may add studies, memoranda, or other substantive items to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on our website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: Steven G. Hearne, Senior Special Counsel, at (202) 551–3430, in the Office of Rulemaking, Division of Corporation Finance; or Blair Burnett, Senior Counsel, at (202) 551–6792, in the Investment Company Regulation Office, Division of Investment Management; U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: We are adopting interim final amendments to the following forms.

Commission reference		CFR citation (17 CFR)
Securities Exchange Act of 1934 (Exchange Act) [1]	Form 20–F	§ 249.220f.
	Form 40–F	§ 249.240f.
	Form 10–K	§ 249.310.
Exchange Act and Investment Company Act of 1940 (Investment Company Act) [2]	Form N–CSR	§§ 249.331 and 274.128.

Compliance: As discussed in Section II, a registrantwill not be required to comply with the amendments until it has been identified by the Commission as having a non-inspection year pursuant to a process to be subsequently established by the Commission with appropriate notice. Once identified, a registrant will be required to comply with the amendments in its annual report for each fiscal year in which it is so identified.

I. Background

We are adopting interim final amendments to Form 10–K, Form 20–F, Form 40–F, and Form N–CSR to implement the disclosure and submission requirements of the HFCA Act,[3] which became law on December 18, 2020. Among other things, Section 2 of the HFCA Act amended Section 104 of the Sarbanes-Oxley Act of 2002 (''Sarbanes-Oxley Act'') [4] to require the Commission to identify each ''covered issuer'' [5] that has retained a registered public accounting firm [6] to issue an audit report [7] where that registered public accounting firm has a branch or office [8] that:

- Is located in a foreign jurisdiction; and
- The PCAOB has determined that it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction.

Registrants so identified (''Commission-Identified Issuers'') are required to submit documentation to the Commission that establishes that they are not owned or controlled by a governmental entity in that foreign jurisdiction. In addition, if the registrant is determined to be a Commission-Identified Issuer for three consecutive years, Section 2 of the HFCA Act directs the Commission to prohibit trading of the registrant's securities.[9] Section 3 of the HFCA Act provides that Commission-Identified Issuers that are

[1] 15 U.S.C. 78a *et seq.*

[2] 15 U.S.C. 80a–1 *et seq.*

[3] Public Law 116–222, 134 Stat. 1063 (Dec. 18, 2020).

[4] 15 U.S.C. 7214 (as amended by Pub. L. 116–222).

[5] Sarbanes-Oxley Act Section 104(i)(1)(A) defines ''covered issuer'' as an issuer that is required to file reports under Section 13 (15 U.S.C. 78m) or Section 15(d) (15 U.S.C. 78o(d)) of the Exchange Act. Issuers filing reports under the Exchange Act are referred to in Commission forms as ''registrants.'' In this release we use the term ''issuers'' when referring to the HFCA Act, but refer to ''registrants'' when discussing the forms and form requirements.

[6] We use the terms ''registered public accounting firm'' and ''auditor'' interchangeably to mean public accounting firms that, among other things, prepare accountant's reports on U.S. public companies and are required to register with the PCAOB. The term ''accountant's report'' is defined in 17 CFR 210.1–02(a)(1) (Rule 1–02(a)(1) of Regulation S–X) in regard to financial statements as a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which the accountant has made and sets forth that accountant's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed.

[7] The HFCA Act uses the term ''audit report.'' As noted above, for the purposes of this release and the interim final amendments the term ''audit report'' has the same meaning as ''accountants' report'' in Rule 1–02(a)(1) of Regulation S–X.

[8] Where a branch or office of an international firm network is a separate legal entity from the U.S.-based or international firm network and that branch or office signs the audit report in its own name, the Commission will look to the PCAOB determination for that branch or office and not apply that determination to the U.S.-based or other branches or offices of that firm network that are not based in the PCAOB-identified foreign jurisdiction.

[9] *See* Sarbanes-Oxley Act Section 104(i)(3). Pursuant to Section 104(i)(3) of the Sarbanes-Oxley Act, as added by Section 2 of the HFCA Act, if an issuer is a Commission-Identified Issuer for three consecutive years, the Commission must prohibit the securities of the issuer from being traded on a national securities exchange or through any other method that is within the jurisdiction of the Commission to regulate, including through ''over-the-counter'' trading. The implementation of Section 104(i)(3) of the Sarbanes-Oxley Act and the required trading prohibition is not subject to the 90-day rulemaking deadline that applies to the submission requirement in Section 104(i)(2) and will be addressed separately. The Commission staff, in deciding what to recommend to the Commission, is actively considering ways to implement the trading prohibition, and the Commission anticipates seeking comment from the public.

foreign issuers (''Commission-Identified Foreign Issuers''), as defined in 17 CFR 240.3b–4 (''Exchange Act Rule 3b–4''),[10] are subject to additional specified disclosure requirements, as discussed in more detail below.

II. Discussion of Amendments

The scope of the interim final amendments is limited to (1) the statutory mandate to issue rules that establish the manner and form in which a Commission-Identified Issuer must make the submissions required under Section 104(i)(2)(B) of the Sarbanes-Oxley Act, and (2) the disclosure obligations set forth in Section 3 of the HFCA Act that we have added to the relevant Commission forms. The new disclosure and submission requirements established by the HFCA Act are triggered by the identification of affected registered public accounting firms by the PCAOB and affected registrants by the Commission.

Under Section 104(i)(2) of the Sarbanes-Oxley Act, as added by the HFCA Act, the PCAOB is responsible for determining that it is unable to inspect or investigate completely a registered public accounting firm because of a position taken by an authority in a foreign jurisdiction. We understand that the PCAOB is considering its obligations under the HFCA Act, including the process for making these determinations. We believe it is important that the PCAOB act quickly to identify the best manner in which to make these determinations. Any PCAOB rulemaking in response to the HFCA Act will be subject to Commission review and approval prior to taking effect. Once the PCAOB process has been established, the Commission will use the PCAOB's determination about which firms it is unable to inspect or investigate completely, along with information in a registrant's annual reports, to compile a list of registrants that are Commission-Identified Issuers.

Disclosure Requirement

Section 3 of the HFCA Act requires a Commission-Identified Foreign Issuer to provide certain additional disclosure in its annual report for the year that the Commission so identifies the issuer. The HFCA Act requires this disclosure in the issuer's Form 10–K, Form 20–F, or a form that is the equivalent of, or substantially similar to, these forms.[11] Specifically, a Commission-Identified Issuer is required to disclose:

- That, during the period covered by the form, the registered public accounting firm has prepared an audit report for the issuer; [12]
- The percentage of the shares of the issuer owned by governmental entities in the foreign jurisdiction in which the issuer is incorporated or otherwise organized;
- Whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the issuer;
- The name of each official of the Chinese Communist Party (''CCP'') who is a member of the board of directors of the issuer or the operating entity with respect to the issuer; and
- Whether the articles of incorporation of the issuer (or equivalent organizing document) contains any charter of the CCP, including the text of any such charter.

While Section 3 of the HFCA Act does not mandate specific rule or form changes, we believe that amending our forms to include the new disclosure requirements will help registrants comply with the HFCA Act. The Commission is therefore amending Form 10–K, Form 20–F, Form 40–F,[13] and Form N–CSR [14] to reflect the disclosure requirements in Section 3 of the HFCA Act.

Specifically, we are amending Form 10–K to add Part II, Item 9C, Form 20–F to add Part II, Item 16I, Form 40–F to add paragraph B.18, and Form N–CSR to add paragraphs (i) and (j) of Item 4. The added items entitled ''Disclosure Regarding Foreign Jurisdictions that Prevent Inspections'' in Form 10–K, Form 20–F, and Form 40–F are located with other accounting, financial, and corporate governance disclosure requirements but are not required to be included in a registrant's proxy or information statement.[15] The amendments to Form N–CSR are located in an existing item entitled ''Principal Accountant Fees and Services.''

The registrant will be required to provide the disclosure for each year in which the registrant is a Commission-Identified Issuer. Because the period covered by the forms looks back at the prior year, a Commission-Identified Foreign Issuer that was identified in the prior year will be required to provide the HFCA Act Section 3 disclosure in its annual report for the year in which it was identified, even if the registrant's subsequent filing includes an audit report issued by a registered public accounting firm that the PCAOB is able to inspect or investigate completely.

In addition, we have added an instruction in each of Form 20–F and Form 40–F to specify that the disclosure applies to annual reports, and not to registration statements.[16]

Submission Requirement

As discussed above, in addition to the Section 3 disclosure requirement, Section 2 of the HFCA Act amended Sarbanes-Oxley Act Section 104 to, in part, require any Commission-Identified Issuer to submit to the Commission documentation establishing that the issuer is not owned or controlled by a governmental entity in the foreign jurisdiction of the registered public accounting firm that the PCAOB is unable to inspect or investigate completely, and mandates that the Commission adopt rules establishing the manner and form in which such

[10] Under Exchange Act Rule 3b–4, the term ''foreign issuer'' means any issuer which is a foreign government, a national of any foreign country or a corporation or other organization incorporated or organized under the laws of any foreign country.

[11] Section 3 of the HFCA Act specifically identifies Form 10–K and Form 20–F. The disclosures required by Section 3 of the HFCA Act are also required in transition reports filed on Forms 10–K and in transition reports on Form 20–F that include audited financial statements. The disclosures should address the transition period as if it were a fiscal year.

[12] The registered public accounting firm referenced in the statute means a firm that the PCAOB is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction, as described in Section 104(i)(2)(A) of the Sarbanes-Oxley Act. The interim final amendments contain minor revisions to the statutory language to clarify this and other points. Specifically, the amendments require a Commission-Identified Foreign Issuer to disclose that, for the immediately preceding annual financial statement period, a registered public accounting firm that the PCAOB was unable to inspect or investigate completely, because of a position taken by an authority in the foreign jurisdiction, issued an audit report for the registrant.

[13] In reviewing the Commission's forms, we determined that Form 40–F is an equivalent or substantially similar form filed by foreign issuers. The Form 40–F is a form that may be used by Canadian issuers that seek to offer their securities in the U.S. and is used by those issuers for annual reports filed under Section 13(a) or Section 15(d) of the Exchange Act. As such, even though the form is not expressly named in the HFCA Act, its use by issuers for annual reports filed under Section 13(a) and Section 15(d) establishes the form as equivalent or substantially similar to the Form 10–K and Form 20–F.

[14] Form N–CSR is an annual reporting form used by the registered investment companies that will be affected by the HFCA Act to file their audited financial statements with the Commission. Although Form N–CSR is not specifically identified in the HFCA Act, its use by these registered investment companies for annual reports filed under Section 13(a) and Section 15(d) establishes the form as equivalent or substantially similar to the Form 10–K and Form 20–F.

[15] *See* 17 CFR 240.14a–101 and 17 CFR 14c–101.

[16] While Form 20–F and Form 40–F may be used as an initial registration form, we believe that in the context of Section 3 of the HFCA Act, which linked the Form 20–F requirement to the Form 10–K requirement, the disclosure was intended to be required when the form is used as an annual report.

submissions will be made no later than 90 days after enactment.

Because the submission requirement is triggered by the preparation of an audit report on a registrant's financial statements, the Commission is amending Form 10–K, Form 20–F, Form 40–F, and Form N–CSR to implement this provision.[17] In contrast to the disclosure requirement in Section 3 of the HFCA Act that applies only to Commission-Identified Foreign Issuers, the submission requirement in Section 2 of the HFCA Act applies to all Commission-Identified Issuers. The amendments require a registrant that is a Commission-Identified Issuer that is not owned or controlled by a governmental entity in the described foreign jurisdiction to electronically submit documentation[18] to the Commission on a supplemental basis that establishes that the registrant is not so owned or controlled. Under the interim final amendments, such submissions will be made through the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system[19] on or before the due date of the relevant annual report form.

While the interim final amendments prescribe the timing and means by which such submissions shall be made, neither they nor the HFCA Act specify the particular types of documentation that can or should be submitted for this purpose. Moreover, we recognize that available documentation could vary depending upon the organizational structure and other factors specific to the registrant. Thus, as an initial matter, registrants will have flexibility under the interim final amendments to determine how best to satisfy this requirement. At the same time, we are requesting comment as to whether the Commission should require specific types of documentation or whether additional guidance would be necessary or useful to registrants as they seek to comply with the submission requirement.

For purposes of these requirements, we preliminarily believe that the use of the terms ''owned or controlled'' in Section 2 of the HFCA Act, and ''owned'' and ''controlling financial interest'' in Section 3 of the HFCA Act (which are not otherwise defined in the statute), are intended to reference a person's or governmental entity's ability to ''control'' the registrant as that term is used in the Exchange Act and the Exchange Act rules.[20] A registrant that is owned or controlled by a foreign governmental entity is not required to submit such documentation under the interim final amendments. However, we note that Commission-Identified Foreign Issuers are required to make certain disclosures about their foreign affiliations and ownership by governmental entities pursuant to the disclosure requirements of Section 3 of the HFCA Act.[21]

Timing Considerations

Section 104(i)(1)(B) of the Sarbanes-Oxley Act[22] provides that a non-inspection year is any year, after the date of enactment of the HFCA Act, during which: (1) The Commission identifies an issuer as having retained a registered public accounting firm for the audit report on its financial statements; (2) That registered public accounting firm has a branch or office that is located in a foreign jurisdiction; and (3) The PCAOB is unable to inspect or investigate completely the registered public accounting firm because of a position taken by an authority in that foreign jurisdiction. Section 3 of the HFCA Act requires certain disclosures by a Commission-Identified Foreign Issuer to appear in an annual report that covers a ''non-inspection year.'' Similarly, Section 104(i)(2)(B) of the Sarbanes-Oxley Act[23] requires the submission to the Commission of documentation relating to government control of Commission-Identified Issuers.

An annual report requires audited consolidated financial statements for that year and certain prior periods under 17 CFR 210.3–01 through 3–20 (Article 3 of Regulation S–X) and corresponding provisions of Form 20–F and Form 40–F.[24] Audited financial statements include an audit report that must be provided with the financial statements included in a registrant's annual report.[25] Therefore, any year in which the Commission has identified a registrant as having retained a registered public accounting firm meeting the criteria described above for the audit report on its financial statements in its most recent annual report made under the Exchange Act will be deemed a non-inspection year. The submission requirement under Section 104(i)(2)(B) of the Sarbanes-Oxley Act and the disclosure requirements under Section 3 of the HFCA Act, if applicable, would then be required for the annual report covering such non-inspection year.[26] For example, if a registrant is identified based on its Form 10–K filing made in 2022 for the fiscal year ended December 31, 2021 as being a Commission-Identified Issuer, then 2022 would be deemed a non-inspection year. Such registrant would be required to comply with the submission and, if applicable, the disclosure requirements in its Form 10–K filing covering the fiscal year ended December 31, 2022, which is required to be filed in 2023.

The HFCA Act was enacted on December 18, 2020 and provides for identification of the issuers required to file reports under Section 13 or 15(d) of the Exchange Act during a year that begins ''after the date of enactment'' of the HFCA Act. Given this statutory language, a registrant will not be subject to a non-inspection year determination for any fiscal year ending on or prior to December 31, 2020, and accordingly, a registrant will not have to provide either the HFCA Act's Section 3 disclosure or

[17] *See supra* notes 11, 13, 14, and 16 and accompanying discussion.

[18] For purposes of these requirements, use of the term ''supplemental'' does not have the meaning of ''supplemental information'' in 17 CFR 240.12b–4.

[19] Prior to the due date of any such required submission, the Commission will amend the EDGAR Filer Manual to provide technical instructions regarding how such submissions can be uploaded onto the EDGAR system.

[20] *See* Exchange Act Section 13(d), 17 CFR 210.1–02(g), and 17 CFR 240.12b–2. However, we are requesting comment on this point below.

[21] We believe that providing this clarification will be helpful to registrants and that it is a reasonable reading of Section 2 and Section 3 of the HFCA Act, as without such clarification a registrant that is owned or controlled by a governmental entity in the foreign jurisdiction would be unable to comply with Section 2 of the HFCA Act (Section 104(i)(1)(B) of the Sarbanes-Oxley Act), but would be expected to continue reporting and providing disclosure as contemplated by the disclosure requirements in Section 3 of the HFCA Act.

[22] Section 104(i)(1)(B) of the Sarbanes-Oxley Act was added by Section 2 of the HFCA Act.

[23] Section 104(i)(2)(B) of the Sarbanes-Oxley Act was added by Section 2 of the HFCA Act.

[24] *See, e.g.,* Article 3 of Regulation S–X; *see also* 17 CFR 210.6–01 through 6–11 (Article 6 of Regulation S–X) (for similar requirements as applied to registered investment companies).

[25] Because the disclosure and submission requirements in the HFCA Act are triggered by the filing of an audit report on the ''financial statements of the covered issuer'' that is prepared by an audit firm ''retained by the covered issuer,'' we believe it would be consistent with the language and structure of the statute to base the non-inspection year determination on registrant's annual report filings. Although there may be instances in which a registrant is required to include audited financial statements in connection with other filings under the Exchange Act, such as Form 8–K (17 CFR 249.308) filings by former shell companies (*see* Item 2.01(f) of Form 8–K), these filings are typically more analogous to an initial registration statement and not an ongoing reporting requirement as contemplated by the reference to Exchange Act Sections 13 and 15(d) in Section 2 of the HFCA Act.

[26] Sarbanes-Oxley Act Section 104(i)(1)(B) (as added by Section 2 of the HFCA Act) defines a ''non-inspection year'' as a year ''during which'' the Commission identifies a registrant as having filed an Exchange Act report that contains an audit report issued by an audit firm that the PCAOB is unable to inspect or investigate completely. By contrast, the disclosures required by Section 3 of the HFCA Act are required in ''each form filed by that issuer that covers such non-inspection year.''

the Section 2 submission for those years.

For fiscal years beginning after December 31, 2020, and once the PCAOB has made its determinations pursuant to the HFCA Act, the Commission will identify registrants pursuant to the HFCA Act based on the PCAOB's determination and on registrants' annual reports. The Commission will issue appropriate notice once it has established the process by which it will begin to identify registrants pursuant to the HFCA Act, and is requesting public comment herein regarding the appropriate mechanics for determining Commission-Identified Issuers. A registrant will not be required to comply with the disclosure requirement or the submission requirement until the Commission identifies it as having a non-inspection year. Once identified, a registrant will be required to provide the HFCA Act disclosure in its annual report for each non-inspection year, *i.e.,* the report covering the fiscal year in which the registrant was included in the list of Commission-Identified Issuers.

Request for Comment

We request and encourage any interested person to submit comments on any aspect of the interim final amendments, other matters that might have an impact on the amendments, and any suggestions for further revisions. When commenting, it would be most helpful if you include the reasoning behind your position or recommendation. In particular, we seek comment on the following:

Determination of Commission-Identified Issuers

1. The Commission is required to identify registrants subject to the HFCA Act disclosure and submission requirements based on the PCAOB's determination relating to the registered public accounting firm that is retained by the registrant and that prepares the registrant's audit report. We are currently considering what process to use for identifying registrants (including the process and feasibility of communicating to those registrants regarding their status) as Commission-Identified Issuers. We request comment related to this process on the following:

a. The HFCA Act requires the Commission to identify covered issuers that ''retain'' a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the PCAOB is unable to inspect or investigate completely because of a position taken by an authority in that jurisdiction. The HFCA Act does not define the term ''retain.'' While multiple public accounting firms may work on the audit of a registrant, for purposes of interpreting and applying the HFCA Act's provisions, we understand the retained firm to be the firm that signs an accountant's report on the registrant's consolidated financial statements that is included in a registrant's Exchange Act report. We believe this is consistent with the understanding of the term ''retain'' by the auditing profession. Is our understanding of the term ''retained'' appropriate in this context?

b. We are considering making the determination of Commission-Identified Issuers on an annual basis, not earlier than a date after the annual report forms for registrants with December 31 fiscal year ends are due to be filed, given that the majority of registrants have a calendar year end. The identification would be based on the audit report contained in a registrant's annual report filed with the Commission for the most recently completed fiscal year preceding the date of the Commission determination. Should we establish a single determination date each year? If so, should we make the determination on or around May 15? Would some other date, earlier or later in the year be more helpful to registrants affected by the determination? Alternatively, should we base the determination on when the PCAOB makes its determination public? Should we make the determination more often, such as monthly, quarterly, or semi-annually? Should we instead make individual determinations on issuer-specific dates, such as the measurement date for determining accelerated filer status [27] or a date linked to the fiscal year end of the registrant?

c. Should we publish a list of Commission-Identified Issuers on our website? Should Commission-Identified Issuers be identified on EDGAR so investors may more easily identify which registrants are on the list? If we publish a list of Commission-Identified Issuers, how should the Commission address any potential errors in identification relating to a registrant's status? Should the Commission provide guidance or prescribe rules relating to disclosure or procedures for identification of errors relating to a registrant's status?

d. To facilitate satisfaction of HFCA Act requirements, should we introduce a structured data tagging requirement pertaining to the auditor name and jurisdiction on the audit report signed by the registered public accounting firm in the registrant's Form 10–K, Form 20–F, and Form 40–F? Such tagging would provide machine-readable data directly from the registrant identifying the audit firm retained by it, and may therefore facilitate the Commission's determination of the registrants it should designate as Commission-Identified Issuers. If we introduced such a requirement, should the information be required to be tagged in Inline XBRL? Should we instead consider a tagging requirement to facilitate the determination of Commission-Identified Issuers that would not specify a particular structured data language to be used? Would the use of tagging also facilitate the ability of investors and other interested parties to identify registrants at risk of trading prohibitions resulting from three consecutive non-inspection years? What would be the costs associated with introducing a structured data tagging requirement pertaining to the auditor name and jurisdiction? Should we introduce this structured data tagging requirement for Form N–CSR? Is there any circumstance when that tagged information in the Form N–CSR would differ from the information the Commission already collects on Form N–CEN (17 CFR 249.330) in a structured data format regarding a fund's auditor?

HFCA Act Disclosure Requirement

2. We are adopting interim final amendments to reflect the disclosure requirements in Section 3 of the HFCA Act. With respect to such disclosure requirements, we further request comment on the following:

a. The interim final amendments require a registrant to disclose that, during the period covered by the form, a registered public accounting firm that the PCAOB is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction has prepared an audit report for the registrant. Should a registrant that changes from using a non-inspected registered public accounting firm to an inspected firm be required to affirmatively state that it no longer retains the identified registered public accounting firm to audit its financial statements?

b. The interim final amendments require that the registrant disclose the name of each official of the CCP who is a member of the board of directors of the registrant or the operating entity with respect to the registrant. Should we define what it means to be an official of the CCP or would further guidance on this requirement be helpful? For example, would clarification of the phrase ''operating entity with respect to

[27] *See* 17 CFR 240.12b–2.

the registrant'' be helpful or is the term generally understood?

c. Do the interim final amendments cover all of the forms in which disclosure is required by the HFCA Act? Should the amendments cover any additional forms? If so, which forms and what is the basis for requiring the disclosure in those forms? For example, should we consider requiring the disclosure in initial registration statements, such as 17 CFR 249.210 (Form 10)? Requiring this disclosure in initial registration statements would provide potential investors in these new registrants with disclosure related to the risk that these registrants have retained a registered public accounting firm that may subject the registrant to the HFCA Act trading prohibition. Alternatively, or in addition, should we amend Form 8–K to require disclosure by a registrant of the Commission's determination that the registrant is a Commission-Identified Issuer? Requiring this disclosure in a Form 8–K would provide additional notice of the Commission's determination, prior to the filing of the annual report covering that non-inspection year. What would be the costs of expanding registrants' disclosure obligations in these ways?

d. Are the new disclosure requirements in Item 9C. of Form 10–K, Item 16I. of Form 20–F, paragraph B.18 of Form 40–F, and paragraphs (i) and (j) of Item 4 of Form N–CSR sufficiently clear? Is there any additional guidance or clarity that the Commission can provide to assist registrants in preparing and providing the disclosure?

e. Should we consider moving the disclosure requirement in Part II, Item 9C. of Form 10–K to Regulation S–K? Would the disclosure be more appropriate in a different part of the Form 10–K, such as in Part III where the information could be incorporated from the proxy statement? Similarly, would the disclosure be more appropriate in a different part of the Form 20–F or Form 40–F?

f. For registered investment companies, should we locate the requirements implementing the HFCA Act in another form? For example, should the Commission locate these requirements in Form N–CEN to cover unit investment trusts, which do not file audited financial statements on Exchange Act reporting forms? Would the requirements be more appropriate in a different part of the Form N–CSR?

HFCA Act Submission Requirement

3. We are adopting interim final amendments to implement the submission requirements in Section 104(i)(1)(B) of the Sarbanes-Oxley Act (as added by Section 2 of the HFCA Act) that track the statutory language. With respect to such submission requirements, we further request comment on the following:

a. The submission requirement for documentation relating to governmental ownership or control is included in certain annual report forms (*i.e.,* Form 10–K, Form 20–F, Form 40–F, and Form N–CSR), and registrants that are Commission-Identified Issuers will need to submit their documentation to the Commission on or before the due date for the relevant annual report. Should the submission be made in conjunction with the registrant's annual report? Should there be a different due date for the submission? Should we locate the submission requirement in a different form or rule, such as Form 8–K or Form 6–K (17 CFR 249.306)?

b. The interim final amendments provide that the submission be made electronically to the Commission on a supplemental basis. Should the documentation submitted to the Commission be made publicly available, should it be retained non-publicly (subject to applicable law), and/or should the registrant be allowed to request confidential treatment for some or all of the submission? Alternatively, should the submission be publicly filed as an exhibit to the form or filed with the Commission in some other way to make it more accessible?

c. Should the Commission require specific types of documentation for satisfying the HFCA Act Section 2 submission requirement? If so, what specific documentation should be required? Alternatively, is it appropriate to retain flexibility for registrants to determine what documentation to provide in order to meet this requirement? If so, is additional guidance necessary for registrants to determine what documentation is sufficient to establish that they are not owned or controlled by a governmental entity in the foreign jurisdiction? Should we provide a non-exclusive list of documents that could be submitted to satisfy the submission requirement, such as a legal opinion or a statement or certification from an officer or director of the company that it is not controlled by a governmental entity?

d. Commission-Identified Issuers that are owned or controlled by a foreign governmental entity are not required to submit documentation to the Commission. Should we require these Commission-Identified Issuers to affirmatively state that they are owned or controlled by a foreign governmental entity?

4. Should we define particular terms or provide guidance regarding the use of those particular terms in our form amendments? For example, should we provide additional definitions or guidance on what is considered a ''governmental entity''? Is guidance necessary to help registrants comply with Section 2 and Section 3 of the HFCA Act? For example, we have provided guidance that the terms ''owned or controlled,'' ''owned,'' and ''controlling financial interest'' should be read with reference to how the term ''control'' is used in the Exchange Act and the existing definition in the Exchange Act rules. Would additional guidance as to what it means to be ''owned or controlled,'' ''owned,'' or having a ''controlling financial interest'' be helpful or is the guidance sufficient? Should we make any further amendments to our rules to address these points? For example, should we specify the basis of accounting that must be used in making a ''controlling financial interest'' determination? As another example, for registered investment companies, should the terms ''owned or controlled,'' ''owned,'' and ''controlling financial interest'' be read with reference to how the term control is used in the Investment Company Act and Investment Company Act rules?

5. The interim final amendments do not require the HFCA Act Section 3 disclosure until an issuer has been identified by the Commission and in no event would disclosure be required for fiscal years ending on or before December 31, 2020. Should we provide additional guidance on the required timing and disclosure? What additional guidance would be useful?

6. If a registrant is determined to be a Commission-Identified Issuer for three consecutive years, Section 2 of the HFCA directs the Commission to prohibit the securities of the registrant from being traded in the U.S. market. As mentioned earlier, implementation of such trading prohibitions will be addressed separately. Are there any considerations we should take into account while determining how to best implement the trading prohibition requirements of the HFCA Act?

With respect to any comments, we note that they are of greatest assistance if accompanied by supporting data and analysis of the issues addressed in those comments.

III. Procedural and Other Matters

If any of the provisions of these rules, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such

provisions to other persons or circumstances that can be given effect without the invalid provision or application.

Pursuant to the Congressional Review Act,[28] the Office of Information and Regulatory Affairs has designated these rules as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

The Administrative Procedure Act (''APA'') generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency ''for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.'' [29] Section 2 of the HFCA Act requires Commission rulemaking within 90 days of the date of enactment in order to ''establish the manner and form in which a covered issuer shall make a submission required under paragraph (2)(B).'' Furthermore, Section 3 of the HFCA Act requires certain disclosure from issuers, and the amendments to Form 10–K, Form 20–F, Form 40–F, and Form N–CSR clarify issuers' obligations under the HFCA Act. Because the amendments conform the specified forms to the requirements of a newly enacted statute and in light of the 90-day rulemaking directive in Section 2 of the HFCA Act, the Commission finds that notice and public comment are impracticable and unnecessary.[30] While the amendments being adopted in this release conform the specified forms to the HFCA Act's requirements, we also are soliciting comment on various related topics that the Commission may seek to address in subsequent releases, depending on the public feedback received and other considerations.

IV. Economic Analysis

A. Introduction and Broad Economic Considerations

As discussed above, we are amending Form 10–K, Form 20–F, Form 40–F, and Form N–CSR to implement the disclosure and submission requirements of the HFCA Act. We are mindful of the costs imposed by, and the benefits obtained from, our rules. In this section, we analyze potential economic effects stemming from the amendments.[31] We analyze these effects against a baseline that consists of the current regulatory framework and current market practices.

As a threshold matter, we note that the amendments discussed in this economic analysis implement discrete components of the HFCA Act. Other aspects of the statute, such as the identification of issuers with non-inspection years and implementation of the trading prohibitions in Section 2 of the HFCA Act, will be addressed separately at a later date. Accordingly, the focus of this economic analysis is on the effects arising from the disclosure and submission requirements in the HFCA Act. Where possible, we have attempted to quantify the expected economic effects of the amendments. In some cases, however, we are unable to quantify these economic effects. Some of the potential economic effects are inherently difficult to quantify. In some instances, we lack the information or data necessary to provide reasonable estimates for the economic effects of the amendments. Where we cannot quantify the relevant economic effects, we discuss them in qualitative terms.

The new disclosure requirements will increase transparency about the reliability of affected issuers' financial statements as well as the characteristics of their ownership and control structures. High-quality disclosures, including high-quality financial statements, are a cornerstone of well-functioning capital markets.[32] Such disclosures reduce information asymmetries between investors and issuers, with positive effects on price efficiency and capital allocation.[33] Broadly speaking, academic research shows that increasing the quality of financial reporting improves price efficiency and reduces an issuer's cost of capital.[34]

Financial reporting quality is in part determined by audit quality. According to academic studies, PCAOB oversight has led to improvements in audit quality and to increased investor confidence in the quality of the audited financial statements.[35] However, when the PCAOB is unable to inspect some auditors there is a lack of transparency with respect to the audit quality provided by such firms. As a result, there is uncertainty regarding the reliability of the financial information of

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[28] 5 U.S.C. 801 *et seq.*

[29] 5 U.S.C. 553(b)(3)(B).

[30] The amendment also does not require analysis under the Regulatory Flexibility Act. *See* 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment).

[31] Exchange Act Section 3(f) requires the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. Further, Exchange Act Section 23(a)(2) requires the Commission, when making rules under the Exchange Act, to consider the impact that the rules would have on competition and prohibits the Commission from adopting any rule that would impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. Additionally, Section 2(c) of the Investment Company Act requires us, when engaging in rulemaking that requires us to consider or determine whether an action is consistent with the public interest, to also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. Although we are adopting amendments to Form N–CSR to implement the HFCA Act as applied to registered investment companies, based on recent Form N–CEN filings, no registered investment company reported having retained a registered public accounting firm located in a foreign jurisdiction for the preparation of the company's financial statements. Based on this data, and Commission staff experience, we estimate that no registered investment companies will be subject to the requirements of the interim final amendments upon the rule's adoption. Accordingly, we do not expect any economic effects associated with the amendment to Form N–CSR.

[32] *See, e.g.,* Christian Leuz & Peter Wysocki, *The Economics of Disclosure and Financial Reporting Regulation,* 54 J. Acct. Research 525 (2016); and Anne Beyer, Daniel Cohen, Thomas Lys & Beverly Walther, *The financial reporting environment: Review of the recent literature,* 50 J. Acct. Econ 296 (2010).

[33] *See, e.g.,* Douglas W. Diamond & Robert E. Verrecchia, *Disclosure, Liquidity, and the Cost of Capital,* 46 J. FIN 1325 (1991).

[34] *See, e.g.,* Stephen Brown & Stephen A. Hillegeist, *How Disclosure Quality Affects the Level of Information Asymmetry,* 12 Rev. Account. Stud. 443 (2007) (showing how better disclosure quality reduces information asymmetry); Nilabhra Bhattacharya, Hemang Desai, & Kumar Venkataraman, *Does Earnings Quality Affect Information Asymmetry? Evidence from Trading Costs,* 30 Cont. Account. Res. 482 (2013) (showing that earnings quality reduces information asymmetry); Partha Sengupta, *Corporate Disclosure Quality and the Cost of Debt,* 73 Account. Rev. 459 (1998) (showing that high disclosure quality reduces the cost of debt); Christine Botosan, *Disclosure Level and the Cost of Equity Capital,* 72 Acc. Rev. 323 (1997) (finding that disclosure quality reduces the cost of equity for firms with low analyst coverage); Mark E. Evans, *Commitment and Cost of Equity Capital: An Examination of Timely Balance Sheet Disclosure in Earnings Announcements,* 33 Cont. Account. Res. 1136 (2016) (finding that ''firms which consistently disclose balance sheet detail in relatively timely earnings announcements have lower costs of capital compared to other firms''); For a survey of financial reporting research, *see* Anne Beyer, Daniel A. Cohen, Thomas Z. Lys, & Beverly R. Walther, *The Financial Reporting Environment: Review of the Recent Literature,* 50 J. Account. Econ 296 (2010).

[35] *See, e.g.,* Daniel Aobdia, *The Impact of the PCAOB Individual Engagement Inspection Process—Preliminary Evidence,* 93 Account. Rev. 53 (2018) (concluding that ''both audit firms and clients care about the PCAOB individual engagement inspection process and, in several instances, gravitate toward the level set by the Part I Finding bar''); Mark L. DeFond & Clive S. Lennox, *Do PCAOB Inspections Improve the Quality of Internal Control Audits*?, 55 J. Account. Res. 591 (2017) (finding evidence consistent with ''PCAOB inspections improving the quality of internal control audits by prompting auditors to remediate deficiencies in their audits of internal controls''); Brandon Gipper, Christian Leuz, & Mark Maffett, *Public Oversight and Reporting Credibility: Evidence from the PCAOB Audit Inspection Regime,* 33 Rev. Financ. Stud. 4532 (concluding that ''consistent with an increase in reporting credibility after the introduction of public audit oversight, we find that capital market responses to earnings surprises increase significantly'').

issuers audited by firms that are not inspected, which can potentially lead to suboptimal investment decisions by investors.

In addition, academic literature provides evidence of varying types of impact of ownership and control structures on firm value.[36] Government ownership, in particular, can be related to both risks and benefits for investors. Evidence in the literature highlights inefficiencies and expropriation risks as a result of government ownership or control, whereas other studies provide evidence of easier access to financing.[37] Effects from government ownership or control on firm value may be further amplified when the regulatory environment in the foreign jurisdiction is weak, and when there is heightened political risk.[38]

The required disclosures and submissions will reduce uncertainty about characteristics that may affect firm value and risk and therefore could facilitate investors' capital allocation decisions. Some of the information required to be disclosed under the amendments may be otherwise available to investors through other sources or overlap with existing mandated disclosures.[39] In such cases, we expect the required disclosures could nevertheless reduce search costs for investors and potentially enhance investor protection. In addition, the submission requirement will provide some reassurance to investors that Commission-Identified Issuers that do not disclose any ownership or control by governmental entities (in foreign jurisdictions that prevent PCAOB inspections) are not, in fact, owned or controlled by such entities.

The amendments will impose compliance costs on issuers that may vary based on characteristics of their audit arrangements and ownership structure. Although these compliance costs, in themselves, may not be significant for most firms, the costs may nonetheless cause certain issuers to accelerate their response to other aspects of the HFCA Act, such as switching audit firms or exiting the U.S. markets altogether. We do not assess the magnitude of the effects arising from implementation of other aspects of the HFCA Act, including the trading prohibition, at this time, as they will depend on the approach taken by the PCAOB and the Commission to implement those parts of the statute.[40] We note, however, that those effects are likely to be much more significant than the comparatively limited benefits and costs associated with the current amendments. For similar reasons, our analysis does not encompass the effects to audit firms of being identified by the PCAOB as being a firm that it is unable to inspect or investigate completely.

B. Baseline

1. Regulatory Baseline

The disclosures and submissions required by the amendments will potentially provide the Commission, as well as market participants, with more readily accessible and comparable information regarding a number of Commission-Identified Issuers' characteristics, namely: (1) The extent of ownership or control by a governmental entity in a jurisdiction where the PCAOB is unable to inspect or investigate completely because of a position taken by an authority in that jurisdiction, (2) the use of a registered public accounting firm in preparation of an audit report that the PCAOB is unable to fully inspect, (3) the presence and identity of any official of the CCP who is a member of the board of directors, and (4) the presence and specific text of any charter of the CCP contained in the registrant's articles of incorporation (or equivalent organizing document). We therefore analyze the extent to which such requirements will change existing regulatory requirements or the current practices of potentially affected registrants.

Compliance with the HFCA Act will require disclosures and submissions pertaining to the ownership or control of a registrant by a governmental entity in the foreign jurisdiction of the registered public accounting firm that the PCAOB is unable to inspect or investigate completely. In practice, many registrants already include disclosures similar to the information required by the HFCA Act in the portions of their respective periodic reports pertaining to registrant-specific risks.[41] Others provide detailed diagrams to illustrate their ownership structure within their descriptions of business or otherwise seek to inform readers of their variable interest entity (''VIE'') arrangements within the financial statements included in periodic disclosures.[42] The levels of detail and specificity associated with these disclosures vary, however, and the information often is not easily comparable across filings given that similar disclosures may not occur within the same item or section of the report.[43]

One notable exception to this variation in disclosures, however, is the disclosure by registrants of the PCAOB's inability to conduct inspections of their respective independent audit firms. We observe a highly similar type and pattern of disclosure regarding the PCAOB's inability to inspect those firms included in the majority of the potential Commission-Identified Issuers' Item 3 (for Form 20–F filers) and Item 1A (for Form 10–K filers) discussion of risk factors.[44] Such disclosures are readily

[36] *See, e.g.,* Andrei Shleifer & Robert Vishny, *A survey of corporate governance,* 52 J. Fin. 737 (1997) (discussing both the theory and empirical evidence on the effect of large shareholders on firm value).

[37] *See, e.g.,* Ginka Borisova, Veljko Fotak, Kateryna Holland & William Megginson, *Government ownership and the cost of debt: Evidence from government investments in publicly traded firms,* 118 J. Fin. Econ. 168 (2015) (showing that during times of firm-specific or economy-wide distress, the dominant effect of state equity ownership is a reduction in the cost of debt, consistent with an implicit debt guarantee of government ownership); Gongmen Chen, Michael Firth & Liping Xu, *Does the type of ownership control matter? Evidence from China's listed companies,* 33 J. Bank. Finance 171 (2009) (finding evidence that the type of government ownership affects value and performance).

[38] *See, e.g.,* Laura Liu, Haibing Shu & John Wei, *The impacts of political uncertainty on asset prices: Evidence from the Bo scandal in China,* 125 J. Fin. Econ 286 (2017) (concluding that political uncertainty is a priced risk as evidenced by stock price reactions following the 2012 Bo Xilai political scandal in China; the study shows amplified effects on prices for state-owned enterprises and politically connected companies); Bryan Kelly, Lubos Pastor & Pietro Veronesi, *The price of political uncertainty: Theory and evidence from the option market,* 71 J. Fin. 2417 (2016) (finding that options whose lives span political events tend to be more expensive, and that such protection is more valuable in a weaker economy and amid higher political uncertainty).

[39] *See infra* section IV.B.1.

[40] *See, e.g.,* Section 104(i)(3) of the Sarbanes-Oxley Act as added by Section 2 of the HFCA Act.

[41] For example, some registrants may provide these disclosures in response to Item 105 of Regulation S–K [17 CFR 229.105] (requiring a registrant to disclose a discussion of the material factors that make an investment in the registrant or offering speculative or risky).

[42] *See* FASB Interpretation No. 46, Consolidation of Variable Interest Entities.

[43] *See, e.g.,* Justin Hopkins, Mark H. Lang & Jianxin (Donny) Zhao, *The Rise of US-Listed VIEs from China: Balancing State Control and Access to Foreign Capital,* Darden Business School Working Paper No. 3119912, Kenan Institute of Private Enterprise Research Paper No. 19–17 (2018), available at *http://dx.doi.org/10.2139/ssrn.3119912* (finding that in 42 percent of reviewed year 2013 Forms 10–K, Chinese firms disclose VIE structure, where ''some firms simply mention the VIE structure in passing, while others explicitly disclosing the legal risks of the VIE, documenting which specific subsidiaries utilize the VIE and providing pro forma balance sheets and income statements for these subsidiaries, as well as summarizing the specific contracts including the parties and terms''); *See also,* Paul Gillis & Michelle R. Lowry, *Son of Enron: Investors Weigh the Risks of Chinese variable Interest Entities,* 26 J. Appl. Corp. Fin. 61 (2014).

[44] Staff conducted a review of annual report disclosures using a combination of Intelligize searches and a manual review of select filings of Forms 10–K and 20–F. Highly similar language

Continued

accessible using the keyword search functionality on the Commission's EDGAR website.[45] In addition, similar identification of registrants whose independent auditors were not fully inspected by the PCAOB due to limitations and restrictions imposed by authorities in foreign jurisdictions has historically been available via the PCAOB's dedicated ''Public Companies that are Audit Clients of PCAOB-Registered Firms from Non-U.S. Jurisdictions where the PCAOB is Denied Access to Conduct Inspections'' web page.[46]

Under the amendments, Commission-Identified Foreign Issuers will also be required to disclose the presence and identity of any official of the CCP who is a member of its board of directors in addition to the percentage of the shares of the issuer owned by governmental entities in the foreign jurisdiction in which the issuer is incorporated or otherwise organized and whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the issuer. At present, some of this information may be elicited by Form 10–K disclosure requirements [47] or Form 20–F disclosure requirements.[48] Because Form 10–K, Part III disclosures may be incorporated by reference from the registrant's definitive proxy statement if filed within 120 days of the related Form 10–K fiscal year end, or alternatively filed as a Form 10–K amendment by the same 120 day deadline, such disclosures are not currently uniformly present in the annual report filings of the potentially affected issuers. Moreover, there are currently no requirements that such disclosures must include the political party affiliation of those responsible for registrants' management and oversight, including but not limited to members of the board. Nor is there a requirement to systematically disclose the identity and ownership stake of any person or group of persons—including government entities—who directly or indirectly acquire or have beneficial ownership of less than five percent of a class of a Commission-Identified Issuer's securities.

Finally, under the amendments, Commission-Identified Foreign Issuers will be required to state whether the articles of incorporation of the issuer (or equivalent organizing document) contains any charter of the CCP, including the text of any such charter. While periodic reporting requirements currently instruct registrants to include a complete copy of the articles of incorporation and bylaws as an exhibit to the annual report,[49] there are no requirements to identify the political or textual origins of any portion of a registrant's articles of incorporation. In practice, given that a registrant may simply indicate in its annual report exhibit index that such articles are incorporated by reference,[50] few filers include the full text of such articles, bylaws, or charters in annual report filings after initially doing so at the time of IPO registration. Similarly, amended or revised versions of the registrant's articles of incorporation and bylaws are generally not included in the annual report filing, but are incorporated by reference as well. In these cases, locating the submission to which the registrant's complete and most recent version of its articles of incorporation are attached in their entirety requires a search and review of the registrant's current reports (on Forms 8–K or 6–K).[51] Therefore, under current regulatory requirements and in practice, the majority of annual reports filed by potential Commission-Identified Foreign Issuers do not include, neither in part nor in complete form, the registrant's articles of incorporation, from which the reader might assess the presence or absence of text from the charter of the CCP.

2. Affected Parties [52]

a. Registrants

Registrants subject to periodic reporting requirements under the Exchange Act will not be affected by the amendments unless and until they are Commission-Identified Issuers. Commission identification of such issuers is in turn contingent upon initial identification of affected registered public accounting firms that are retained by registrants with periodic disclosure obligations. Based upon a review of such registrants in calendar year 2020, we identified 273 registrants for whom future identification as a Commission-Identified Issuer could be possible on the basis of current facts and circumstances.[53] Of these potential Commission-Identified Issuers candidates, 18.2 percent filed annual disclosures using Form 10–K while 78.2 percent are Form 20–F filers. No filings submitted by potential candidates were made using Forms 40–F or N–CSR. Among filers, approximately 22 percent were incorporated in the United States while 78 percent were incorporated in foreign jurisdictions, including 4.8 percent who self-disclosed to be state-

describing the potential risks associated with the PCAOB's inability to conduct inspections appeared across at least 65% of annual reports filed within the same year, including reviewed periods that predate the initial introduction of the HFCA Act legislation in 2019. As no single audit firm currently serves more than, at maximum, 20% of potential Commission-Identified Issuers, the inclusion of standard disclosures across registrants does not appear to be attributable to the practices of any individual audit firm. *See infra* note 53 for a description of the sample identification methodology.

[45] Available at *https://www.sec.gov/edgar/search/*.

[46] Available at *https://pcaobus.org/oversight/international/denied-access-to-inspections*.

[47] *See* 17 CFR 229.401 (Item 401 of Regulation S–K), 17 CFR 229.403 (Item 403 of Regulation S–K), and 17 CFR 229.404 (Item 404 of Regulation S–K), required under Items 10, 12 and 13 of Form 10–K. Item 401 of Regulation S–K requires disclosure relating to the identification of directors and a brief description of their business experience; Item 403 of Regulation S–K requires disclosure with respect to any person or group that beneficially owns more than five percent of any class of the registrant's voting securities, as well as ownership information of executive officers and directors of the registrant; and Item 404 of Regulation S–K requires disclosure of transactions between the registrant and related persons, such as officers, directors and significant shareholders.

[48] *See* Items 6 and 7 of Form 20–F. Item 6 of Form 20–F requires disclosure relating to the identification and share ownership of directors and senior management; Item 7 of Form 20–F requires disclosure with respect to beneficial owners of more than five percent of any class of the registrant's voting securities, disclosure with respect to related party transactions, as well as disclosure of whether the company is directly or indirectly owned or controlled by another corporation or foreign government and the nature of that control.

[49] *See* Item 19, Instruction 1 of Form 20–F and 17 CFR 229.601(b)(3)(i).

[50] *See* 17 CFR 240.12b–23(c).

[51] The requirement to submit a Form 6–K in such cases by registrants that use Form 20–F to file annual reports depends upon the current reporting requirements of the relevant foreign jurisdiction. Because potential Commission-Identified Issuers domiciled, incorporated, or organized in China are required by Chapter 5 Article 27 of the Regulations of the People's Republic of China on Administration of Company Registration to file a complete copy of the revised articles within 30 days of such changes, a similar requirement to promptly furnish a Form 6–K including the complete revised articles of incorporation also applies. This document may then be incorporated by reference in the registrant's subsequent annual reports. Analogous requirements for registrants using domestic forms are outlined in Form 8–K, Item 5.03.

[52] As noted above, the amendments may accelerate responses to other aspects of the HFCA Act, such as switching audit firms or exiting the U.S. markets altogether. These responses could impact parties beyond those identified below (*e.g.,* audit firms). For purposes of this economic analysis, we focus on those parties affected by the discrete aspects of the HFCA Act being implemented in this rulemaking.

[53] Analysis is based on staff review of data obtained from the PCAOB (*see supra* note 46), Audit Analytics, manual review of all annual reports filed by foreign issuers using Forms 20–F, 40–F, or an amendment thereto in calendar year 2020, and review of securities registered in calendar year 2020 by foreign issuers. This analysis may potentially be viewed as an upper bound on the future number of registrants that may be affected by the HFCA requirements as clients of those firms previously identified by the PCAOB.

owned enterprises. These registrants' securities are either listed on a national exchange (88.7 percent), OTC-listed (9.9 percent), or report no U.S. listing (1.5 percent).[54]

b. Investors

The amendments may impact both current investors in affected registrants as well as potential investors that may consider investing in these registrants in the future. As mentioned above, at least some of the information elicited by the required disclosures is likely to already be available to investors through various existing channels but at varying costs. As such, we expect that the required disclosures are likely to affect mostly retail investors who directly invest or consider investing in affected registrants since it may be more costly for these investors to obtain such information absent the required disclosures. Institutional or other sophisticated investors may also be impacted by the amendments; however, we expect that such impact might be limited given their resources to obtain the required information from other sources, when such sources are available.

C. Economic Effects

1. Benefits and Costs of HFCA Act Disclosure Requirements

For Commission-Identified Foreign Issuers, the amendments will require specific disclosures to be made in these registrants' annual reports.[55] In general, as discussed above, the required disclosures elicit information that the academic literature shows is value-relevant to investors. As such, we expect the required disclosures to be beneficial to investors since they are likely to reduce search costs when the information in the required disclosure is otherwise available through other sources or existing disclosures, and also potentially provide investors with information about aspects of these registrants' governance characteristics that otherwise might not be available or relatively costly to obtain. We do not expect significant compliance costs for Commission-Identified Foreign Issuers given that these registrants likely already possess the information required by the amendment; however, registrants may incur additional compliance costs if the required information is not readily accessible to them or needs to be formatted for the required disclosure.

a. Investors

The amendments will require disclosure that a registered public accounting firm that the PCAOB is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction has issued an audit report for the registrant. The disclosure will provide transparency about the inspection status of the engaged audit firm. As discussed above, the academic literature provides evidence that the PCAOB's oversight has led to improvements in audit quality and financial reporting quality, for both domestic and foreign issuers. The inability of the PCAOB to inspect the auditors of these registrants could generate uncertainty regarding their financial reporting quality. Thus, to the extent this information is new to investors,[56] we expect the specific required disclosure to potentially facilitate investors' capital allocation decisions. We further expect that the presentation of such information in a standardized form in the annual report is likely to be helpful to investors by reducing their search costs.

The amendments will require disclosure of the percentage of the shares of the registrant owned by a government in the foreign jurisdiction. As discussed above, government ownership is information that is likely to facilitate investors' capital allocation decisions. For example, disclosure of government ownership may allow investors to better assess potential political risks/effects related to government ownership in the foreign jurisdiction that may influence the value of their investment. These benefits would be limited to the extent that affected registrants already provide disclosure relevant to assessing such risks.

In addition to the disclosure of ownership though equity holdings, the amendments will require affected registrants to disclose whether a governmental entity has a controlling financial interest in the registrant. We expect such disclosure may benefit investors as it could provide information about other mechanisms, besides direct equity ownership, such as control through a pyramidal ownership structure that might allow a governmental entity to influence registrants' operational and other decisions, thus providing additional insight into potential risks to investors that might arise from such control/ownership structures.[57]

The amendments also require disclosure of board members' affiliations with the CCP and whether the articles of incorporation of the registrant (or equivalent organizing document) includes any charter of the CCP, including the text of any such charter. These disclosures will enhance existing information on the composition of the board and could increase insight into its quality and the related consequences for firm value. One study shows that the degree of a board's political affiliation in China is related to firm value, and this varies based on facts and circumstances.[58] For example, political affiliation of members of the board may imply that the incentives of such board members do not align with shareholders' interests, which in turn may affect registrants' decisions with potentially negative consequence for the registrants' value. Under different circumstances, politically connected board members may facilitate the execution of financing transactions for the registrant. To the extent that these disclosures may benefit investors by facilitating their efforts to evaluate characteristics of registrants that may have an impact on the value of their investments, these specific disclosures

[54] Using a more conservative approach that looked only to registrants with at least one annual report filed after the introduction of the HFCA Act, we further estimated that in calendar year 2020, 194 registrants submitted an annual report (Form 10–K, 20–F, or an amendment) whose auditor was previously identified by the PCAOB (*see supra* note 46) as a registered firm from a non-U.S. jurisdiction where necessary access to conduct oversight was denied due to a position taken by local authorities. Based on our historical analysis of these registrants, 18 percent submitted annual reports using a domestic form while 82 percent and 0 percent submitted their annual reports via foreign filings Form 20–F and Form 40–F respectively. Based on the same population of registrants, we estimate that approximately three percent of potentially affected registrants disclosed their securities as listed on two or more foreign exchanges, approximately nine percent listed on only one foreign exchange, while approximately 79 percent only disclosed listing on a U.S. national exchange. Of these registrants, 13 (six percent) self-identified in their 2020 disclosures as state-owned enterprises.

[55] *See supra* Section II. Disclosure Requirements for a detailed description of the disclosure requirements mandated by Section 3 of the HFCA Act.

[56] *See supra* Section IV.B.1 for a description of current practice and regulatory requirements regarding disclosure of the registrant's auditor inspection status.

[57] *See, e.g.,* Jesse Fried & Ehud Kamar, *Alibaba: A Case Study of Synthetic Control,* ECGI Working Paper Series in Law, Paper No 533/2020 (2020) (concluding that control of a firm can be exerted not only though equity, but rather a mixture of employment, contractual, and commercial arrangements).

[58] *See* Lihong Wang, *Protection or expropriation: Politically connected independent directors in China,* 55 J. Bank. Fin. 92 (2015) (using a sample of Chinese listed firms over the 2003–2012 period, the study finds that the presence of politically connected independent directors is related to increased firm value for private firms, but related to lower firm value for state-owned enterprises (''SOEs''). The study also finds increased related-party transactions for Chinese listed firms with politically connected independent directors).

may facilitate investors' capital allocation decisions and potentially increase investor protection.

b. Registrants

The required disclosures are likely to impose some compliance costs on Commission-Identified Foreign Issuers. We do not expect these compliance costs to be significant since these registrants likely already possess the information required by the amendments. However, to the extent that such information is not readily accessible or needs to be formatted to comply with the required disclosure, we expect potential additional costs to these registrants.[59]

The required disclosures may impact the cost of capital for some affected registrants. As discussed above, empirical evidence suggests that the information elicited by the required disclosures is, in general, related to potential risks and more broadly to firm value.[60] We discuss the potential impact of the required disclosures on affected registrants' cost of capital further below, but note that the magnitude of any such impact is likely to be moderated depending on the extent information is otherwise available to investors.

The required disclosure regarding the use of a non-inspected firm to audit the registrant's annual report, which will now be required in a standardized manner, may lead investors to re-evaluate potential risks related to financial reporting quality due to the inability of the PCAOB to inspect the auditors of these registrants. Academic literature shows that PCAOB oversight is broadly related to improvements of audit quality, and also investor perceptions of such audit quality.[61] As described above, many registrants already disclose, and also provide a discussion of, the risks or decreased benefits associated with using a non-inspected auditor.[62] Given the extent to which information specifically required in the new disclosures overlaps with disclosures already observed in practice, in addition to the information being available from other sources such as the PCAOB, we expect the impact of these specific required disclosures on affected registrants' cost of capital to be small.

Section 3 of the HFCA Act also requires registrants to disclose information in a standardized manner in annual reports about their ownership and control structures, including the magnitude of direct equity ownership by a government in non-cooperating foreign jurisdictions and the degree of control a government in the non-cooperating jurisdiction may exert on the registrant through channels other than ownership. As described above, government ownership and control is likely to have an impact on the registrant's decision-making processes, and such impact is likely to vary under facts and circumstances.[63] The required disclosures may affect registrants' cost of capital insofar as the information disclosed triggers a re-assessment of the affected registrant's exposure to governmental ownership or control.

The amendments also will require registrants to disclose information about potential additional links to the CCP. Such disclosure is likely to be informative of the registrant's governance, and may also lead investors to re-assess potential political risks that may not have been previously known through existing registrants' disclosures. For example, such links between the registrant and the CCP may indicate increased political influence on registrants' decision-making processes and consequent impacts on registrants' value. While some, but not all, of the information in the required disclosures may already be publicly available through disclosures in forms other than in annual reports, the content of such disclosures may not be standardized across registrants. We expect these specific disclosures may potentially impact registrants' cost of capital, particularly for registrants about which such information is not otherwise known by the market.

2. Benefits and Costs of HFCA Act Submission Requirement

The amendments implementing the submission requirement of Section 104(i)(1)(B) of the Sarbanes-Oxley Act (as added by Section 2 of the HFCA Act) provide that a Commission-Identified Issuer that is not owned or controlled by a foreign governmental entity in a foreign jurisdiction that prevents PCAOB inspections must submit documentation to the Commission that establishes that the registrant is not so owned or controlled. As discussed above, the amendments specify that if an affected registrant is owned or controlled by a foreign governmental entity, it will not be required to submit such documentation. We estimate in the baseline that a large majority of current registrants that are potential future Commission-Identified Issuers are also foreign issuers that will be subject to the disclosures required by Section 3 of the HFCA Act. Therefore, we expect the submission requirement to serve as a complement to these required disclosures.

a. Investors

We anticipate that requiring Commission-Identified Issuers to provide documentation to support a lack of foreign control will provide further reassurance to investors that the registrants' disclosures in this regard are materially accurate and complete. In particular, because the submission requirement generally would apply to those Commission-Identified Issuers who otherwise do not disclose that they are owned or controlled by a foreign governmental entity, this requirement will provide some reassurance to investors that such control does not exist. We believe that greater certainty about which Commission-Identified Issuers lack governmental ownership and control may improve investors' assessments of the risks of investing in Commission-Identified Issuers' securities. If the submitted documentation is made publicly available, we expect the reassurance benefit to be larger than if the submission is retained non-publicly by the Commission. Because affected registrants will have flexibility to determine the specific types of documentation to submit to the Commission, if the submitted documentation is made publicly available, we expect the magnitude of the reassurance benefit to depend on the nature of information issuers submit. We generally expect this reassurance benefit to be limited given the HFCA Act's required Section 3 disclosure and other information about ownership and control required by existing Commission rules.[64]

Because we expect the submission requirement to impose (on average) only minor compliance costs on affected registrants and no other significant costs, we also do not generally expect any significant negative effects on investors from this requirement, such as a reduction in the prices of affected registrants' securities they currently own.

b. Registrants

Commission-Identified Issuers who lack ownership or control by a governmental entity in the foreign

[59] For the purpose of the Paperwork Reduction Act, we estimate that affected registrants will incur on average one burden hour to prepare and review the information needed for the HFCA Act Section 3 disclosure requirements; *see infra* Section V.C.

[60] *See supra* section IV.A.

[61] *See supra* section IV.A.

[62] *See supra* section IV.B.1.

[63] *See supra* section IV.A.

[64] *See supra* section IV.B.1 for a description of current regulatory requirements regarding disclosure of ownership and control more generally.

jurisdiction of the registered public accounting firm that the PCAOB is unable to inspect or investigate completely will incur some direct compliance costs related to producing the documentation they will be required to submit to the Commission. The magnitude of these compliance costs will depend on how easily the affected registrants can produce documentation to satisfy the submission requirement. The amendments do not specify particular types of documentation that can or must be submitted to satisfy this requirement. Affected registrants will thus have flexibility to determine how best to establish that they are not owned or controlled by a foreign governmental entity. This should help limit compliance costs, as registrants will be able to produce documentation that is suited to their particular circumstances. At the same time, at least as an initial matter, uncertainty about the scope of the requirement could lead some registrants to seek additional advice from attorneys and other advisers, which could marginally increase compliance costs. Overall, because we expect that affected registrants will have information readily available about their ownership structures and controlling parties, we expect the direct compliance costs associated with this requirement will be minor.[65]

3. Impact on Efficiency, Competition, and Capital Formation

As discussed above, the required disclosures may provide new or more easily accessible information about whether registrants have retained non-inspected registered auditors and whether such registrants are owned or controlled by governmental entities of the foreign jurisdictions that prevent PCAOB inspections. To the extent this disclosed information is new or reduces search costs, we expect it could potentially reduce information asymmetries in securities markets, thereby improving price efficiency and helping investors achieve more efficient portfolio allocations. Overall, we believe that any efficiency gains will be modest since the potential increase in informational content and reduction in search costs to investors is likely to be limited given existing disclosures.

To the extent the amendments will reduce information asymmetries, affected registrants may experience a change in cost of capital (either a reduction or an increase is possible, depending on circumstances), which may in turn affect capital formation. However, similar to any effects on efficiency, we expect such capital formation effects to be small in aggregate. Likewise, we do not expect the amendments to significantly impact overall competition, based on the expected low compliance costs for registrants and the expected limited incremental impact on investors' information environment. However, we do not rule out that there could be instances where the required disclosures provide new information about some registrants that could potentially impact (either positively or negatively) their individual competitive situation due to investors' reassessment of such registrants' risk and prospects.

V. Paperwork Reduction Act

A. Background

Certain provisions of Form 10–K and Form 20–F that will be affected by the interim final amendments contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[66] The Commission is submitting the interim final amendments to the Office of Management and Budget (''OMB'') for review in accordance with the PRA.[67] The titles for the collections of information are:

''Form 10–K'' (OMB Control No. 3235–0063); and

''Form 20–F'' (OMB Control No. 3235–0288).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information requirement unless it displays a currently valid OMB control number. Compliance with the information collections is mandatory. Responses to the information collections are not kept confidential and there is no mandatory retention period for the information disclosed. The affected forms were adopted under the Exchange Act and set forth the disclosure requirements for annual reports filed by registrants to help investors make informed investment decisions. The hours and costs associated with preparing and filing the forms constitute reporting and cost burdens imposed by each collection of information.

B. Summary of the Amendments

As described in more detail above, we are adopting interim final amendments to implement the disclosure and submission requirements of the HFCA Act. The amendments will require certain disclosure from foreign issuers relating to foreign jurisdictions that prevent PCAOB inspections and require all registrants to submit documentation to the Commission establishing that such a covered issuer is not owned or controlled by a governmental entity in that foreign jurisdiction.

C. Burden and Cost Estimates Related to the Amendment

We anticipate that new disclosure and submission requirements will increase the burdens and costs for these registrants. We derived our burden hour and cost estimates by estimating the average amount of time it would take a registrant to prepare and review the required disclosure and submission, as well as the average hourly rate for outside professionals who assist with such preparation. In addition, our burden estimates are based on several assumptions.

For the HFCA Act Section 3 disclosure requirements we estimated the number of affected registrants by determining the number of foreign issuer registrants that retained registered public accounting firms that issued an audit report and are located in a jurisdiction where obstacles to PCAOB inspections exist. For the Section 104(i)(1)(B) of the Sarbanes-Oxley Act (as added by Section 2 of the HFCA Act) submission requirements we estimated the number of affected registrants by determining the number of registrants that retained registered public accounting firms that issued an audit report and are located in a jurisdiction where obstacles to PCAOB inspections exist. Based on these estimates, for purposes of the PRA, we estimate that there will be:

- No affected Form 10–K filers for the HFCA Act Section 3 disclosure requirements and 55 affected filers for the Section 104(i)(1)(B) of the Sarbanes-Oxley Act submission requirement; and
- Two hundred twenty affected Form 20–F filers for the HFCA Act Section 3

[65] For the purpose of the Paperwork Reduction Act, we estimate that affected registrants will incur on average one burden hour to prepare and review the information needed for the HFCA Act Section 2 submission requirements; *see infra* Section V.C.

[66] 44 U.S.C. 3501 *et seq.* As noted in Section IV above, based on recent Form 40–F filings, no Form 40–F registrants reported having retained a registered public accounting firm located in a foreign jurisdiction, and therefore we estimate that no Form 40–F registrants will be subject to the requirements of the interim final amendments upon their adoption. Accordingly, we are not making any revisions to the PRA burden estimates for Form 40–F at this time. Additionally, as noted above, based on recent Form N–CEN filings, no registered investment company reported having retained a registered public accounting firm located in a foreign jurisdiction, and therefore we estimate that no registered investment companies will be subject to the requirements of the interim final amendments upon their adoption. Accordingly, we are not making any revisions to the PRA burden estimates for Form N–CSR at this time. *See supra* note 33.

[67] 44 U.S.C. 3507(d) and 5 CFR 1320.11.

disclosure requirements and 206 affected filers for the Section 104(i)(1)(B) of the Sarbanes-Oxley Act submission requirement.[68]

Commission-Identified Issuers will generally have information readily available about their audit arrangements, ownership structures, and controlling parties. Therefore we estimate that the average incremental burden for an affected registrant to prepare the submission would be 1 hour and for an affected registrant that is a foreign issuer to prepare the disclosure would be 1 hour. These estimates represent the average burdens for all affected registrants, both large and small. In deriving our estimates, we recognize that the burdens will likely vary among individual registrants based on a number of factors, including the size and complexity of their operations. We believe that some registrants will experience costs in excess of this average and some registrants may experience less than the average costs.

The table below shows the total annual compliance burden, in hours and in costs, of the collection of information resulting from the interim final amendments.[69] The burden estimates were calculated by multiplying the estimated number of responses by the estimated average amount of time it would take a registrant to prepare and review the required information. The portion of the burden carried by outside professionals is reflected as a cost, while the portion of the burden carried by the registrant internally is reflected in hours. For purposes of the PRA, we estimate that 75 percent of the burden of preparation of Form 10–K and Form 20–F is carried by the registrant internally and that 25 percent of the burden of preparation is carried by outside professionals retained by the registrant at an average cost of $400 per hour.[70]

TABLE 1—INCREMENTAL PAPERWORK BURDEN UNDER THE INTERIM FINAL AMENDMENTS.

	Estimated number of affected responses (A)	Incremental burden hours/form (B)	Total incremental burden hours (C) = (A) * (B)	Company 75% (D) = (C) * 0.75	Professional 25% (E) = (C) * 0.25	Professional costs (F) = (E) * $400
Form 10–K (submission)	55	1	55	41	14	$5,600
Form 20–F (submission)	206	1	206	155	52	20,800
Form 20–F (disclosure)	220	1	220	165	55	22,000

Request for Comment

We request comments in order to evaluate: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information would have practical utility; (2) the accuracy of our estimate of the burden of the collection of information; (3) whether there are ways to enhance the quality, utility and clarity of the information to be collected; and (4) whether there are ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.[71] Specifically, we request comment on the estimated number or percentage of affected registrants.

Any member of the public may direct to us any comments concerning the accuracy of these burden estimates and any suggestions for reducing these burdens. Persons who desire to submit comments on the collection of information requirements should direct their comments to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503, and send a copy of the comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, with reference to File No. S7–03–21. Requests for materials submitted to the OMB by us with regard to these collections of information should be in writing, refer to File No. S7–03–21 and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington DC 20549.

Because the OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication, a comment to the OMB is best assured of having its full effect if the OMB receives it within 30 days of publication.

VI. Statutory Authority

The amendments contained in this release are being adopted under the authority set forth in Sections 2 and 3 of the HFCA Act, Section 104 of the Sarbanes-Oxley Act, Sections 3, 12, 13, 15(d), and 23(a) of the Exchange Act, and Sections 8(b), 24(a), 30(a), and 38(a) of the Investment Company Act.

List of Subjects

17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

17 CFR Parts 274

Investment companies, Reporting and recordkeeping requirements, Securities.

[68] *See supra* Section IV.B.2.A. Based on the data and analysis described in Section IV above, for purposes of the PRA we estimate that approximately 275 registrants may be affected by the rules, of which we estimate 20 percent are U.S. registrants that file on Form 10–K (55 registrants) and 80 percent are foreign issuers that file on Form 20–F (220 registrants). For purposes of the HFCA Act Section 3 disclosure requirement, we estimate that only foreign filers filing on Form 20–F will be required to provide the disclosure (220 registrants). For purposes of the Section 104(i)(1)(B) of the Sarbanes-Oxley Act submission requirement, we estimate that approximately five percent of the affected registrants are state-owned entities and will not be required to prepare the submission. As a result, we estimate that U.S. registrants that file on Form 10–K (55 registrants) and foreign issuers that file on Form 20–F but are not state-owned entities (206) will be required to provide the submission.

[69] The table's estimated number of responses aggregates the responses for both the disclosure requirement and the submission requirement. Some registrants will be counted twice, once for each response. For convenience, the estimated hour and cost burdens in the table have been rounded to the nearest whole number.

[70] We recognize that the costs of retaining outside professionals may vary depending on the nature of the professional services, but for purposes of this PRA analysis we estimate that such costs will be an average of $400 per hour. This estimate is based on consultations with several registrants, law firms and other persons who regularly assist registrants in preparing and filing periodic reports with the Commission.

[71] We request comment pursuant to 44 U.S.C. 3506(c)(2)(B).

Text of Rule Amendments

In accordance with the foregoing, the Commission amends title 17, chapter II of the Code of Federal Regulations as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The general authority citation for part 249 and sectional authority citation for § 249.220f are revised to read as follows:

Authority: 15 U.S.C. 78a *et seq.* and 7201 *et seq.;* 12 U.S.C. 5461 *et seq.;* 18 U.S.C. 1350; Sec. 953(b) Pub. L. 111–203, 124 Stat. 1904; Sec. 102(a)(3) Pub. L. 112–106, 126 Stat. 309 (2012), Sec. 107 Pub. L. 112–106, 126 Stat. 313 (2012), Sec. 72001 Pub. L. 114–94, 129 Stat. 1312 (2015), and secs. 2 and 3 Pub. L. 116–222, 134 Stat. 1063 (2020), unless otherwise noted.

Section 249.220f is also issued under secs. 3(a), 202, 208, 302, 306(a), 401(a), 401(b), 406 and 407, Pub. L. 107–204, 116 Stat. 745, and secs. 2 and 3, Pub. L. 116–222, 134 Stat. 1063.

* * * * *

■ 2. Amend Form 20–F (referenced in § 249.220f) by adding new Item 16I. to read as follows:

Note: The text of Form 20–F does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 20–F

* * * * *

PART II

* * * * *

Item 16I. Disclosure Regarding Foreign Jurisdictions that Prevent Inspections.

(a) A registrant identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)) as having retained, for the preparation of the audit report on its financial statements included in the Form 20–F, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction must electronically submit to the Commission on a supplemental basis documentation that establishes that the registrant is not owned or controlled by a governmental entity in the foreign jurisdiction. The registrant must submit this documentation on or before the due date for this form. A registrant that is owned or controlled by a foreign governmental entity is not required to submit such documentation.

(b) A registrant that is a foreign issuer, as defined in 17 CFR 240.3b-4, identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)) as having retained, for the preparation of the audit report on its financial statements included in the Form 20–F, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction, for each year in which the registrant is so identified, must disclose:

(1) That, for the immediately preceding annual financial statement period, a registered public accounting firm that the PCAOB was unable to inspect or investigate completely, because of a position taken by an authority in the foreign jurisdiction, issued an audit report for the registrant;

(2) The percentage of shares of the registrant owned by governmental entities in the foreign jurisdiction in which the registrant is incorporated or otherwise organized;

(3) Whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the registrant;

(4) The name of each official of the Chinese Communist Party who is a member of the board of directors of the registrant or the operating entity with respect to the registrant; and

(5) Whether the articles of incorporation of the registrant (or equivalent organizing document) contains any charter of the Chinese Communist Party, including the text of any such charter.

Instruction to Item 16I:

Item 16I only applies to annual reports, and not to registration statements on Form 20–F.

* * * * *

■ 3. Amend Form 40–F (referenced in § 249.240f) by adding new paragraph B.18. to read as follows:

Note: The text of Form 40–F does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 40–F

* * * * *

GENERAL INSTRUCTIONS

* * * * *

B. Information To Be Filed on This Form

(18) Disclosure Regarding Foreign Jurisdictions that Prevent Inspections.

(a) A registrant identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)) as having retained, for the preparation of the audit report on its financial statements included in the Form 40–F, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction must electronically submit to the Commission on a supplemental basis documentation that establishes that the registrant is not owned or controlled by a governmental entity in the foreign jurisdiction. The registrant must submit this documentation on or before the due date for this form. A registrant that is owned or controlled by a foreign governmental entity is not required to submit such documentation.

(b) A registrant that is a foreign issuer, as defined in 17 CFR 240.3b–4, identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)) as having retained, for the preparation of the audit report on its financial statements included in the Form 40–F, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction, for each year in which the registrant is so identified, must disclose:

(i) That, for the immediately preceding annual financial statement period, a registered public accounting firm that the PCAOB was unable to inspect or investigate completely, because of a position taken by an authority in the foreign jurisdiction, issued an audit report for the registrant;

(ii) The percentage of shares of the registrant owned by governmental entities in the foreign jurisdiction in

which the registrant is incorporated or otherwise organized;

(iii) Whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the registrant;

(iv) The name of each official of the Chinese Communist Party who is a member of the board of directors of the registrant or the operating entity with respect to the registrant; and

(v) Whether the articles of incorporation of the registrant (or equivalent organizing document) contains any charter of the Chinese Communist Party, including the text of any such charter.

Note to paragraph (18) of General Instruction B: Instruction (B)(18) only applies to annual reports, and not to registration statements on Form 40–F.

* * * * *

■ 4. Amend Form 10–K (referenced in § 249.310) by adding new Item 9C. to Part II to read as follows:

Note: The text of Form 10–K does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 10–K

* * * * *

Part II

* * * * *

Item 9C. Disclosure Regarding Foreign Jurisdictions that Prevent Inspections.

(a) A registrant identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)) as having retained, for the preparation of the audit report on its financial statements included in the Form 10–K, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction must electronically submit to the Commission on a supplemental basis documentation that establishes that the registrant is not owned or controlled by a governmental entity in the foreign jurisdiction. The registrant must submit this documentation on or before the due date for this form. A registrant that is owned or controlled by a foreign governmental entity is not required to submit such documentation.

(b) A registrant that is a foreign issuer, as defined in 17 CFR 240.3b–4, identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)) as having retained, for the preparation of the audit report on its financial statements included in the Form 10–K, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction, for each year in which the registrant is so identified, must disclose:

(1) That, for the immediately preceding annual financial statement period, a registered public accounting firm that the PCAOB was unable to inspect or investigate completely, because of a position taken by an authority in the foreign jurisdiction, issued an audit report for the registrant;

(2) The percentage of shares of the registrant owned by governmental entities in the foreign jurisdiction in which the registrant is incorporated or otherwise organized;

(3) Whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the registrant;

(4) The name of each official of the Chinese Communist Party who is a member of the board of directors of the registrant or the operating entity with respect to the registrant; and

(5) Whether the articles of incorporation of the registrant (or equivalent organizing document) contains any charter of the Chinese Communist Party, including the text of any such charter.

■ 5. Amend Form N–CSR (referenced in §§ 249.331 and 274.128) by adding new paragraphs (i) and (j) to Item 4 to read as follows:

Note: The text of Form N–CSR does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM N–CSR

* * * * *

Item 4. Principal Accountant Fees and Services

* * * * *

(i) A registrant identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)), as having retained, for the preparation of the audit report on its financial statements included in the Form N–CSR, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction must electronically submit to the Commission on a supplemental basis documentation that establishes that the registrant is not owned or controlled by a governmental entity in the foreign jurisdiction. The registrant must submit this documentation on or before the due date for this form. A registrant that is owned or controlled by a foreign governmental entity is not required to submit such documentation.

(j) A registrant that is a foreign issuer, as defined in 17 CFR 240.3b–4, identified by the Commission pursuant to Section 104(i)(2)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)(2)(A)), as having retained, for the preparation of the audit report on its financial statements included in the Form N–CSR, a registered public accounting firm that has a branch or office that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board has determined it is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction, for each year in which the registrant is so identified, must disclose:

(1) That, for the immediately preceding annual financial statement period, a registered public accounting firm that the PCAOB was unable to inspect or investigate completely, because of a position taken by an authority in the foreign jurisdiction, issued an audit report for the registrant;

(2) The percentage of shares of the registrant owned by governmental entities in the foreign jurisdiction in which the registrant is incorporated or otherwise organized;

(3) Whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the registrant;

(4) The name of each official of the Chinese Communist Party who is a member of the board of directors of the registrant or the operating entity with respect to the registrant; and

(5) Whether the articles of incorporation of the registrant (or equivalent organizing document) contains any charter of the Chinese Communist Party, including the text of any such charter.

* * * * *

By the Commission.

Dated: March 18, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–06292 Filed 4–2–21; 8:45 am]

BILLING CODE 8011–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2011–0513; FRL–10021–41–Region 6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; New Mexico and Albuquerque-Bernalillo County, New Mexico; Control of Emissions From Existing Other Solid Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is notifying the public that we have received CAA section 111(d)/129 negative declarations from New Mexico and Albuquerque-Bernalillo County, New Mexico, for existing incinerators subject to the Other Solid Waste Incineration units (OSWI) emission guidelines (EG). These negative declarations from New Mexico and Albuquerque-Bernalillo County, New Mexico, certify that incinerators subject to the OSWI EG and the requirements of sections 111(d) and 129 of the CAA do not exist within the jurisdictions of New Mexico and Albuquerque-Bernalillo County. The EPA is accepting the negative declarations and amending the agency regulations in accordance with the requirements of the CAA.

DATES: This rule is effective on May 5, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2011–0513. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 are available either electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Karolina Ruan Lei, EPA Region 6 Office, Air and Radiation Division—State Planning and Implementation Branch, 1201 Elm Street, Suite 500, Dallas, TX 75270, (214) 665–7346, *ruan-lei.karolina@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. 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 ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

On January 15, 2020, we published a direct final rule and accompanying proposed rule notifying the public that we had received CAA section 111(d)/129 negative declarations from New Mexico and Albuquerque-Bernalillo County for existing OSWI (85 FR 2316; 85 FR 2359). These negative declarations certify that existing OSWI subject to the requirements of sections 111(d) and 129 of the CAA do not exist within the specified jurisdictions in New Mexico. In the January 15, 2020, rulemakings, we proposed and finalized to accept the negative declarations and amend the Code of Federal Regulations (CFR) in accordance with CAA requirements. The direct final rule was published without prior proposal because we anticipated no adverse comments. We stated in the direct final rule that if we received relevant adverse comments by February 14, 2020, we would publish a timely withdrawal in the **Federal Register**. We received a relevant adverse comment on the direct final rule, and we withdrew the direct final rule on March 23, 2020 (85 FR 16270).

On September 28, 2020, we published a supplemental notice of proposed rulemaking (SNPRM) (85 FR 60746). The SNPRM supplemented the proposal published on January 15, 2020, where we proposed to notify the public that we received CAA section 111(d)/129 negative declarations from New Mexico and Albuquerque-Bernalillo County, New Mexico, for existing OSWI; these negative declarations certify that existing OSWI subject to the requirements of sections 111(d) and 129 of the CAA do not exist within the specified jurisdictions in New Mexico. In order to reaffirm and clarify the prior negative declaration, New Mexico submitted a revised negative declaration for incinerators subject to the OSWI EG by letter dated June 15, 2020; this letter clarifies that incinerators (including OSWI and air curtain incinerators (ACI)) subject to the OSWI EG do not exist within its air quality jurisdiction. In the SNPRM, we appropriately expanded the inclusion of the facilities addressed in the negative declarations from New Mexico and Albuquerque-Bernalillo County from ''existing OSWI'' to ''incinerators subject to the OSWI EG''. The term ''incinerators subject to the OSWI EG'' is more technically and legally accurate as all facilities affected by the OSWI EG are required to be addressed in state plans and negative declarations. The Albuquerque-Bernalillo County negative declaration letter that was submitted on December 13, 2006, appropriately addressed the subject facilities. Details on CAA sections 111(d) and 129, the OSWI EG, and the negative declarations submitted by New Mexico and Albuquerque-Bernalillo County, can be found in the September 28, 2020, supplemental proposal.

All comments received on the original proposal and on the supplemental proposal are addressed in this final rule. As detailed below, we received one comment on the direct final rule and accompanying proposed rule during the public comment period that closed on February 14, 2020.[1] No comments were received on the supplemental proposal during the comment period that closed on October 28, 2020. Our response to the comment received is presented below. After careful consideration of the comments, we have decided to finalize our action with no changes from the proposed action.

II. Response to Comment

Comment: The commenter stated that the EPA should not allow for negative declarations and should ensure the State of New Mexico has a regulation in place to control emissions from solid waste incineration units throughout the State. The commenter adds that even though the State says they do not have any units subject to this regulation, the EPA should require the State to develop and implement a regulation in case a new source is constructed in the State. The

[1] EPA Document ID No. EPA–R06–OAR–2011–0513–0001 (direct final rule) & EPA–R06–OAR–2011–0513–0002 (proposed rule).

commenter asserts that sections 111(d) and 129 of the CAA require states to develop a regulation for the control of emissions from these units and, therefore, the EPA must require states to develop and implement a new regulation to control emissions from these units.

Response: We disagree with the commenter's statements that the EPA should not allow for negative declarations. Federal regulations at 40 CFR 60.23(b) and 62.06 specifically provide that if there are no existing sources of the designated pollutants in the state, the state may submit a letter of certification to that effect (*i.e.,* a negative declaration) in lieu of a plan, which exempts the state from the 40 CFR part 60, subpart B, requirement to submit a CAA section 111(d)/129 plan.

We also disagree with the commenter's statements that the EPA should require the State to develop and implement a regulation in case a new source is constructed in the State. State plans under CAA section 111(d)/129 apply only to existing facilities. The designated facilities to which the OSWI EG (40 CFR part 60, subpart FFFF) apply are OSWI and certain ACI [2] that commenced construction on or before December 9, 2004, and were not modified or reconstructed on or after June 16, 2006, as specified in 40 CFR 60.2991 and 60.2992, with limited exceptions as provided under 40 CFR 60.2993. Any incinerator (OSWI or certain ACI) [3] that commenced construction after December 9, 2004, or that commenced reconstruction or modification on or after June 16, 2006, would be subject to the OSWI New Source Performance Standards (NSPS) codified at 40 CFR part 60, subpart EEEE.[4] The negative declarations for incinerators subject to the OSWI EG were submitted to the EPA by the New Mexico Environment Department (NMED) and the City of Albuquerque Environmental Health Department (AEHD) on June 15, 2020, and December 13, 2006, respectively. In addition, the EPA proposed revisions to the OSWI EG and NSPS on August 31, 2020 (85 FR 54178). When the EPA finalizes the revisions to the OSWI EG,[5] each state (and air quality control jurisdiction) will need to submit a negative declaration or plan, as applicable, for those sources subject to the requirements of the final revised OSWI EG.

III. Final Action

In this final action, the EPA is amending 40 CFR part 62, subpart GG, to reflect receipt of the negative declaration letters from NMED and AEHD received on June 15, 2020, and December 13, 2006, respectively, certifying that there are no existing incinerators subject to 40 CFR part 60, subpart FFFF, in their respective jurisdictions in accordance with 40 CFR 60.23(b), 62.06, and 60.2982 and sections 111(d) and 129 of the CAA.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a CAA section 111(d)/129 submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 42 U.S.C. 7429; 40 CFR part 60, subparts B and FFFF; and 40 CFR part 62, subpart A. With regard to negative declarations for designated facilities received by the EPA from states, the EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. 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 the 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).

This rule also does not have Tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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. The EPA will submit a report containing this rule 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 June 4, 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).)

[2] The air curtain incinerators (ACI) subject to the OSWI EG at 40 CFR part 60, subpart FFFF, do not fit the definition of a ''OSWI,'' as defined in the OSWI EG. See 40 CFR 60.2994(b) and 60.3078.

[3] These OSWI and ACI are those incinerators described under the OSWI NSPS, codified at 40 CFR part 60, subpart EEEE, at 40 CFR 60.2977 and 60.2888(b). The incinerators to which the OSWI NSPS apply are specified in 40 CFR 60.2885 and 60.2886, with limited exceptions as provided under 40 CFR 60.2887.

[4] The NSPS are developed and implemented by the EPA and are delegated to the states. The OSWI NSPS (40 CFR part 60, subpart EEEE) are incorporated by reference in the New Mexico State regulations at 20.2.77 NMAC, *New Source Performance Standards,* and in the Albuquerque-Bernalillo County regulations at 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources* (83 FR 46107, September 12, 2018; 80 FR 8799, February 19, 2015).

[5] The court ordered deadline to promulgate the final OSWI review is May 31, 2021. *Sierra Club* v. *Wheeler,* 330 F. Supp. 3d 407. (D.D.C. 2018).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: March 24, 2021.

David Gray,

Acting Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart GG—New Mexico

■ 2. Add an undesignated center heading and § 62.7893 to read as follows:

Emissions From Existing Other Solid Waste Incineration Units

§ 62.7893 Identification of plan—negative declarations.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated June 15, 2020, and December 13, 2006, respectively, certifying that there are no incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines, at 40 CFR part 60, subpart FFFF, within their respective jurisdictions in the State of New Mexico.

[FR Doc. 2021–06526 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0335; FRL–10019–55]

Pyriofenone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyriofenone in or on fruit, small vine climbing subgroup 13–07E, except grape; grape and grape, raisin. ISK BIOSCIENCES Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 5, 2021. Objections and requests for hearings must be received on or before May 5, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0335, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0335 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before June 4, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2020–0335, 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 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.
- *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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 5, 2020 (85 FR 47330) (FRL–10012–32), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9F8808) by ISK BIOSCIENCES Corporation, 7470 Auburn Road, Suite A, Concord, OH, 44077. The petition requested that 40 CFR 180.660 be amended by establishing tolerances for residues of the fungicide, pyriofenone, (5-chloro-2-methoxy-4-methyl-3-pyridinyl)(2,3,4-trimethoxy-6-methylphenyl) methanone, in or on fruit, small vine climbing subgroup 13–07E, except grape at 1.5 parts per million (ppm); grape at 0.8 ppm; and grape, raisin at 2.5 ppm. In addition, although not mentioned in EPA's document, ISK's petition also requested that the currently established tolerances for residues of pyriofenone in/on fruit, small vine climbing subgroup 13–07D at 1.5 ppm be removed from 40 CFR 180.660, as establishment of the requested tolerances for subgroup 13–07E and grape include all the crops in subgroup 13–07D. That document referenced a summary of the petition prepared by ISK BIOSCIENCES Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* No comment was received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyriofenone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyriofenone follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and republishing the same sections is unnecessary; therefore, EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for pyriofenone, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to pyriofenone and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. For a discussion of the Toxicological Profile of pyriofenone, see Unit III.A. of the May 30, 2019 rulemaking (84 FR 24983) (FRL–9993–11).

Toxicological Points of Departure/Levels of Concern. For a summary of the Toxicological Points of Departure/Levels of Concern used for the safety assessment, see Unit III.B. of the May 30, 2019 rulemaking.

Exposure Assessment. EPA's exposure assessment remains unchanged from what was done in support of the May 30, 2019 rulemaking. EPA's aggregate exposure assessments include exposures from food, drinking water and residential sources, and there have been no changes since the last assessment. For a discussion of EPA's assessment of aggregate exposures, see Unit III.C. of the May 30, 2019 rulemaking.

Safety Factor for Infants and Children. EPA continues to conclude that there is reliable data showing that the safety of infants and children would be adequately protected if the FQPA SF were reduced from 10X to 1X for all exposure scenarios. The reasons for that decision are articulated in Unit III.D. of the May 30, 2019 rulemaking.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

Pyriofenone is not expected to pose an acute risk, due to the lack of acute adverse effects in the database. Chronic dietary risks are below the Agency's level of concern: 6.9% of the chronic population adjusted dose (cPAD) for children 1 to 2 years old, the group with the highest exposure. There are no residential uses for pyriofenone; therefore, the chronic aggregate risk is limited to the chronic dietary risk and is not of concern. Short- and intermediate-term aggregate risks are addressed by the chronic aggregate risk estimates and are not a concern.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general populations, or to infants and children for aggregate exposure to pyriofenone residues. More detailed information on the subject action can be found at *https://www.regulations.gov* in the document entitled, ''Pyriofenone. Human Health Risk Assessment for the Section 3 Registration on Fruiting Vegetables (Crop Group 8–10)'' in the docket ID number EPA–HQ–OPP–2020–0335 and the document titled, ''Pyriofenone. Human Health Risk Assessment for the Section 3 Registration on Fruiting Vegetables (Crop Group 8–10)'' in docket ID number EPA–HQ–OPP–2018–0677.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the May 30, 2019 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural

practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for pyriofenone in or on grape at 0.8 ppm and grape, raisin at 2.5 ppm. The U.S. tolerances for these commodities are harmonized with these MRLs.

C. Revisions to Petitioned-For Tolerances

Under FFDCA section 408(d)(4)(A)(i), EPA may establish tolerances that vary from those sought by the petition. The tolerance level has been modified to be consistent with the Agency's rounding class practices.

D. International Trade Considerations

In this Final Rule, EPA is establishing an individual tolerance for grape at 0.8 ppm, which is lower than the current allowed amount of residue on grape, by virtue of its inclusion in the small vine climbing fruit subgroup 13–07D at 1.5 ppm. The Agency is reducing this tolerance to harmonize with the Codex MRL on grape, and available residue data demonstrate that this tolerance is sufficient to cover residues on this commodity.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of this revision. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. To accommodate this reasonable interval, EPA is establishing an expiration date for the existing tolerance for small vine climbing fruit subgroup 13–07D to allow those tolerances to remain in effect for a period of 6 months after the effective date of this rule. At the end of that 6-month period, the existing tolerances for subgroup 13–07D will no longer be valid; residues on grape will need to comply with the new grape tolerance and residues on other commodities in that subgroup will need to comply with the new subgroup 13–07E tolerance.

This reduction in tolerance level is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods. The new tolerance level is supported by available residue data.

V. Conclusion

Therefore, tolerances are established for residues of pyriofenone, (5-chloro-2-methoxy-4-methyl-3-pyridinyl)(2,3,4-trimethoxy-6-methylphenyl) methanone, in or on fruit, small vine climbing subgroup 13–07E, except grape at 1.5 ppm; grape at 0.8 ppm; and grape, raisin at 2.5 ppm. EPA is also establishing an expiration date for the existing tolerance for fruit, small vine climbing subgroup 13–07D.

VI. Statutory and Executive Order Reviews

This action establishes and modifies tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 8, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.660, amend the table in paragraph (a) by:
■ a. Designating the table as Table 1;
■ b. Revising the entry for ''Fruit, small vine climbing, subgroup 13–07D''; and
■ c. Adding in alphabetical order entries for ''Fruit, small vine climbing, subgroup 13–07E, except grape''; ''Grape''; and ''Grape, raisin''.

The additions and revision read as follows:

§ 180.660 Pyriofenone; tolerances for residues.

* * * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Fruit, small vine climbing subgroup 13–07D [1]	1.5
Fruit, small vine climbing subgroup 13–07E, except grape	1.5
Grape	0.8
Grape, raisin	2.5
* * * * *	

[1] This tolerance expires on October 6, 2021.

* * * * *

[FR Doc. 2021–06271 Filed 4–2–21; 8:45 am]

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SURFACE TRANSPORTATION BOARD

49 CFR Part 1201

[Docket No. EP 763]

Montana Rail Link, Inc.—Petition for Rulemaking—Classification of Carriers

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (STB or Board) is adopting a final rule amending the thresholds for classifying rail carriers.

DATES: The rule is effective June 4, 2021.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 245–0391. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Under 49 CFR part 1201, General Instructions section 1–1(a), rail carriers are grouped into one of three classes for purposes of accounting and reporting.[1] The Board's classification of rail carriers affects the degree to which they must file annual, quarterly, and other operational reports, *see, e.g.,* 49 CFR pt. 1243 and also is used in a variety of other contexts, including differentiating the legal standards and procedures that apply to certain transactions subject to Board licensing, *see, e.g.,* 49 U.S.C. 10902, 11324, 11325, and prescribing labor protection conditions, *see, e.g.,* 49 U.S.C. 10903(b)(2), 11326, among others.

The class to which any rail carrier belongs is determined by its annual operating revenues after application of a revenue deflator adjustment. 49 CFR pt. 1201, section 1–1(b)(1). Currently, Class I carriers have annual operating revenues of $504,803,294 or more, Class II carriers have annual operating revenues of less than $504,803,294 and more than $40,384,263, and Class III carriers have annual operating revenues of $40,384,263 or less, all when adjusted for inflation. Section 1–1(a) (setting thresholds unadjusted for inflation); *Indexing the Annual Operating Revenues of R.Rs.,* EP 748 (STB served June 10, 2020) (calculating revenue deflator factor and publishing thresholds adjusted for inflation based on 2019 data).[2] The revenue classification levels for railroads set forth at 49 CFR part 1201, General Instructions section 1–1(a) were adopted in 1992 by the Board's predecessor, the Interstate Commerce Commission, in the *1992 Rulemaking.*

[1] The agency ''has broad discretion to require rail carriers to report financial and operating data, and to prescribe an underlying accounting system to produce that information.'' *Mont. Rail Link, Inc. & Wis. Cent. Ltd., Joint Pet. for Rulemaking with Respect to 49 CFR part 1201* (*1992 Rulemaking*), 8 I.C.C.2d 625, 631 (1992); *see also* 49 U.S.C. 11144, 11145, 11161–64.

[2] Instruction section 1–1(a) currently defines Class I carriers as those with annual operating revenues (in Year 1991 dollars) of $250 million or more. To prevent this threshold from being influenced by the effects of inflation, each year the STB calculates a ''deflator'' factor that converts the value of today's dollar into its equivalent 1991 value. This deflator factor is then applied to a carrier's current revenues and the result is compared to the $250 million threshold. The railroad revenue deflator formula, which is based on the Railroad Freight Price Index developed by the Bureau of Labor Statistics, is as follows: Current Year's Revenues × (1991 Average Index/Current Year's Average Index). 49 CFR pt. 1201, section 1–1 Note A. The Board publishes annually an updated deflator factor. In addition, the Board applies the reciprocal of the deflator factor to identify where the $250 million threshold lies expressed in current dollars. The current Class I revenue threshold, as noted above, corresponds to $504,803,294 in 2019 dollars. The Class II/Class III threshold, which is listed in Instruction section 1–1(a) as $20 million, corresponds to $40,384,263 in 2019 dollars.

Background

On February 14, 2020, Montana Rail Link, Inc. (MRL), filed a petition for rulemaking to amend the Board's rail carrier classification regulations. In its petition, MRL requested that the Board increase the revenue threshold for Class I carriers to $900 million. (Pet. 1.) MRL contended that it continues to be a regional carrier operationally and economically but may exceed the Class I revenue threshold within two years. (*Id.*) Citing principles drawn from the *1992 Rulemaking,* in which the revenue thresholds were last raised, MRL asked that the Board address ''whether a regional carrier such as MRL should be treated as a Class I carrier, taking into account (1) the financial and operational differences between MRL and existing Class I carriers, and (2) the cost-benefit analysis of imposing Class I requirements on MRL.'' (*Id.* at 12.)

MRL submitted eight letters in support of its petition.[3] No replies to MRL's petition were received.

On May 14, 2020, the Board initiated a rulemaking proceeding to consider MRL's petition and consider issues related to the Class I carrier revenue threshold determination. The Board invited ''comment about whether it should amend 49 CFR part 1201, General Instructions section 1–1(a), to increase the revenue threshold for Class I carriers, and, if so, whether $900 million or another amount would be appropriate.'' *Mont. Rail Link, Inc.—Pet. for Rulemaking—Classification of Carriers,* EP 763, slip op. at 2 (STB served May 14, 2020).

The Board received two comments in response to its May 14, 2020 decision. On June 15, 2020, the American Short Line and Regional Railroad Association (ASLRRA) filed in support of MRL's petition, arguing, among other things, that Class II carriers such as MRL are distinctly different from Class I carriers and should continue to be classified in their current category. (ASLRRA Comment 2–4, June 15, 2020.) ASLRRA stated that there is a ''massive'' revenue gap between the largest Class II and the smallest Class I carrier, (*id.* at 3), and that the accounting, financial, and other burdens imposed on a Class II carrier by becoming a Class I carrier would outweigh any resulting benefits, (*id.* at 2–4). Also on June 15, 2020, the Transportation Trades Department, AFL–CIO (TTD), a coalition of 33

[3] Letters of support were from the Montana Contractors' Association, Montana Agricultural Business Association, Montana Grain Elevator Association, Montana Petroleum Association, Inc., Montana Taxpayers Association, Montana Chamber of Commerce, Treasure State Resources Association, and Montana Wood Products Association.

affiliate unions, filed in opposition to MRL's petition. Among other things, TTD raised concerns about the impact on MRL employees with respect to labor protective conditions if the Class I threshold were raised and argued that MRL had not shown that raising the threshold is appropriate or necessary. (TTD Comment 1–2, June 15, 2020.) MRL filed a reply on July 2, 2020, reiterating that its operating and financial profiles are distinct from those of the current Class I carriers (noting, for example, that in 2018 it operated only about 720 miles of mainline track, nearly all of which is in one state, whereas the smallest current Class I carrier operated 3,397 miles of track across 10 states and two countries) and that significant burdens would be imposed on MRL if the threshold is not increased, while limited, if any, benefits would accrue to the public. (MRL Reply 2, 5, July 2, 2020.)

On September 30, 2020, the Board issued a Notice of Proposed Rulemaking to amend its rail carrier classification regulations. The proposed amendments would raise the Class I revenue threshold from $504,803,294 (as adjusted for inflation) to $900 million and have the effect of excluding MRL and other similarly situated carriers from Class I status unless they have met the proposed revenue threshold for three years. *Mont. Rail Link, Inc.—Pet. for Rulemaking—Classification of Carriers* (*NPRM*), EP 763 (STB served Sept. 30, 2020). The Board sought comment on the proposed amendments.

Comments on the NPRM

In response to the *NPRM,* the Board received comments from ASLRRA on October 29, 2020, and from TTD and the National Grain and Feed Association (NGFA) on November 2, 2020. On December 1, 2020, MRL submitted its reply.

ASLRRA fully supports the Board's proposed amendments and references and reiterates the arguments it made in support of MRL's proposal in its June 15, 2020 comment. (ASLRRA Comment 2, Oct. 29, 2020.) According to ASLRRA, the Board's proposal recognizes that Class II carriers, such as MRL, are operationally and financially different from Class I carriers and would enable regional railroads to continue to serve their customers efficiently. (*Id.*) ASLRRA further notes that the Board's proposal would not deprive regional carriers of the benefit of the Short Line Rehabilitation Tax Credit, which has provided MRL almost $3 million per year in additional funds to invest in infrastructure, and the Railroad Industry Agreement, which provides a mechanism for short lines to work together to increase rail traffic. (*Id.;* ASLRRA Comment 4, June 15, 2020.)

TTD opposes the Board's proposed amendments. (TTD Comment 1, Nov. 2, 2020.) TTD also reiterates its concern that the proposed amendments would deny employees certain protective conditions that would have otherwise applied. (*Id.* at 2.) TTD argues that its position in its June 15, 2020 comment was not that status quo conditions would worsen for employees, but rather that maintaining MRL's Class II status would deny employees coverage that they would otherwise be entitled to if MRL became a Class I carrier. (*Id.* at 2.) TTD states that the Board should give greater consideration to how the proposed amendments may impact the application of employee protective conditions. (*Id.*) TTD also states that it believes that MRL and the Board have failed to document the undue burden that Class I status would place on MRL, or a similar carrier. (*Id.*) TTD argues that MRL has provided no information that suggests that the costs of becoming a Class I carrier would be overly burdensome. (*Id.*) TTD requests that the Board either withdraw its *NPRM* or, in the alternative, alleviate only reporting/accounting burdens on MRL, instead of ''permitting the evasion of protective conditions.'' (*Id.* at 3.)

NGFA does not oppose the proposed amendments but argues that the Board needs to guard against exempting Class II carriers from regulatory oversight and standards as it increases the revenue thresholds. (NGFA Comment 2–5.) NGFA states that it does not oppose increasing the Class I revenue threshold to $900 million for freight carriers and acknowledges that MRL's petition is supported by its Montana affiliate, the Montana Grain Elevator Association. (*Id.* at 2.) NGFA also states that denoting MRL as a Class I carrier would make it ineligible for assistance such as the short line rehabilitation tax credits; the Federal Railroad Administration's Railroad Rehabilitation and Infrastructure Express Program, which provides funds to Class II and III carriers to repair tracks; and the Railroad Industry Agreement, which outlines ways Class I and short line carriers are allowed to collaborate to resolve issues concerning car supply, service quality, routing, and interchange requirements. (*Id.* at 2–3.)

Nonetheless, NGFA argues that MRL is a significant regional carrier that has a virtual monopoly on all rail traffic in the state of Montana and that MRL often exercises that market power with its customers in a manner not dissimilar from Class I carriers. (*Id.* at 3–4.) NGFA contends that regulatory oversight should apply to Class II carriers. (*Id.* at 3–5.) For example, NGFA argues that (1) simplified standards being considered by the Board for rail customers to challenge unreasonable rail rates, such as Final Offer Rate Review,[4] should apply to Class II carriers; (2) the Board should examine whether to require larger Class II carriers like MRL to submit data sufficient to enable rail customers to analyze whether to bring a rate challenge under the STB's Three-Benchmark methodology; and (3) the Board should consider applying to at least Class II carriers any new rules related to reciprocal switching.[5] (*Id.* at 4–5.)

In reply, MRL reasserts that it continues to function as a Class II carrier, not a Class I carrier, and requests that the Board adopt the amendments put forth in the *NPRM.* (MRL Reply 4, Dec. 1, 2020.) In response to TTD's argument that increasing the Class I threshold will deprive MRL employees of enhanced labor protections, MRL argues that the current level of labor protection is fair and appropriate because its operating and financial characteristics continue to be that of a Class II carrier, even with rising revenues. (*Id.* at 1–2 (citing Pet. 7 n.4).) MRL also argues that TTD gives no rationale to support why MRL should be excused only from the Class I accounting and reporting requirements and not the Class I labor protection requirements. (MRL Reply 2, Dec. 1, 2020.) MRL reiterates that the Class I accounting and reporting requirements would impose a significant burden on MRL, without any significant offsetting public benefit. (*Id.*) As to NGFA's comments about MRL having a monopoly on traffic in Montana, MRL argues it does not generally have ratemaking authority for its freight movements because BNSF Railway Company, its sole interchange partner, sets the freight transportation rates for approximately 96% of MRL's traffic, excluding switching. (*Id.* at 3.) MRL asserts that NGFA's argument that the Board's regulatory oversight should apply to Class II carriers is beyond the scope of this rulemaking. (*Id.*)

[4] The Board, in September 2019, proposed a new rate reasonableness review process that features certain attributes of a final offer selection process. *See Final Offer Rate Review,* EP 755 (STB served Sept. 12, 2019).

[5] The Board, in July 2016, proposed to modify its regulations governing competitive rail access, including reciprocal switching. *See Pet. for Rulemaking to Adopt Revised Competitive Switching Rules* (*Reciprocal Switching*), EP 711 (Sub-No. 1) (STB served July 27, 2016).

Final Rule

After considering the record, the Board agrees that MRL and any other Class II carriers that may be approaching the current revenue threshold are properly classified as regional carriers rather than as Class I carriers. The operational characteristics of regional carriers, like MRL, significantly differentiate them from Class I carriers. *See NPRM,* EP 763, slip op. at 4. The record establishes that even the largest Class II carriers, such as MRL, have much smaller rail networks and service territories than Class I carriers, have local or regional service territories, and lower traffic densities, (MRL Reply 3, Dec. 1, 2020; MRL Reply 2, July 2, 2020; ASLRRA Comment 2, June 15, 2020); are heavily dependent in many critical ways on their Class I interchange partners, (ASLRRA Comment 2, June 15, 2020); and have more limited and less diverse traffic bases than Class I carriers, (MRL Reply 2, July 2, 2020; ASLRRA Comment 3, June 15, 2020). Similarly, even the largest Class II carriers generate far less revenue than the smallest Class I. (MRL Reply 1, July 2, 2020; ASLRRA Comment 3, June 15, 2020.)

Based on this record, including the comments and reply received in response to the *NPRM,* regional carriers, such as MRL, do not possess the comparative attributes of Class I carriers. Considering the operating and financial characteristics of these carriers, it is appropriate to continue to classify these railroads as Class II carriers, rather than classifying them as Class I carriers and imposing on them the burdens associated with a Class I classification. Doing so maintains an appropriate balance between ensuring the availability of accurate cost information and avoiding imposing additional regulatory requirements on railroads when expanded regulation is not necessary; this also furthers the rail transportation policy. *See* 49 U.S.C. 10101(2), (13). Additionally, the Board determines that $900 million is a reasonable demarcation between Class I railroads and Class II railroads because it is sufficiently above the current Class II annual revenue level and below the revenue level of the smallest Class I carrier, maintaining an appropriate division between the two classes of carriers for the foreseeable future. *See NPRM,* EP 763, slip op. at 5–6. No commenter raised specific concerns with the Board's proposed $900 million figure.

TTD's argument that the Board should not change the revenue threshold due to the impact on labor protections remains unpersuasive. (*See* TTD Comment 2, Nov. 2, 2020.) MRL's employees have long been subject to the labor protections applicable to Class II carriers, and that will not change as a result of this rulemaking. With respect to TTD's argument that MRL employees will be denied the additional labor protections that would be available to them if MRL were classified as a Class I carrier, the Board finds that because MRL is more appropriately classified as a Class II carrier based on its operational and financial characteristics, it is also appropriate for MRL to continue to provide the labor protections of a Class II carrier. Nothing in the record, including TTD's comments, indicates that MRL's employees are being inadequately protected today. Moreover, there is nothing that indicates that MRL's operational or financial characteristics have changed significantly as it approached the current revenue threshold.

The Board also disagrees with TTD's assertion that there is no record evidence of the undue burden that Class I status would place on MRL or similarly situated carriers. There is no question that Class I railroads face much more substantial financial reporting and accounting requirements under the Board's regulations than Class II or III railroads do. *NPRM,* EP 763, slip op. at 5. Among other requirements, Class I carriers must submit annual R–1 reports, *see* 49 CFR 1241.11, quarterly operating reports, *see* 49 CFR pt. 1243, and service performance data, *see* 49 CFR pt. 1250. Each of these reports, while important to the Board's regulation with regard to larger carriers, has an associated compliance burden. MRL's petition discussed the increased burden it would face complying with just a subset of the Class I reports.[6] (Pet. 8–9; *see also* ASLRRA Comment 2–4, June 15, 2020.) The *NPRM* also recognized that the regulatory compliance burden of a Class I designation by the Board extends beyond the Board's regulations, *see NPRM,* EP 763, slip op. at 5, and MRL's reply provided several examples of these regulatory impacts, including in programs administered by the Federal Railroad Administration, (MRL Reply 2–3). Moreover, as the *NPRM* indicated, the Board is concerned not just with the absolute burden, but also with the relative lack of benefits associated with such reporting by carriers with MRL's characteristics. *NPRM,* EP 763, slip op. at 5.[7]

While NGFA does not oppose the proposed amendments, NGFA does express concern that MRL operates as a monopoly, and NGFA maintains that regulatory oversight should apply to Class II carriers. (NGFA Comment 3–5.) As a Class II carrier, MRL will continue to be subject to Board regulation and the applicable provisions of the Interstate Commerce Act, including those governing rate reasonableness and reasonable practices. NGFA's argument that specific proposed regulations, such as those related to particular rate case processes and reciprocal switching procedures, should apply to Class II carriers is beyond the scope of this proceeding.[8]

For the foregoing reasons, the Board will adopt as a final rule the amendments to its rail carrier classification regulations as proposed in the *NPRM,* without modification. The final rule set forth below will raise the Class I revenue threshold to $900 million and round the current Class II/Class III threshold to $40.4 million. The final rule also will amend Note A to replace the 1991 Average Index with the 2019 Average Index, as the new threshold levels will be calculated in 2019 dollars.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. Sections 601–604. In its final rule, the agency must either include a final regulatory flexibility analysis, section 604(a), or certify that the proposed rule

[6] In its petition, MRL estimated it would have to expend at least $150,000 annually to prepare the required reports, in addition to the costs associated with converting its accounting system, training employees, and maintaining and recording the reports. (Pet. 9.)

[7] TTD does not argue that there would be potential benefits to classifying carriers like MRL as Class Is (other than TTD's labor-related arguments addressed above). Nor has TTD made the case for its hybrid approach that would treat MRL and similar carriers as Class II railroads for accounting purposes but as Class I railroads for other purposes. As the decision indicates, there are material differences between larger Class II railroads and Class I railroads. TTD has not demonstrated that particular regulatory issues exist that would warrant ignoring these material differences.

[8] The Board notes that NGFA has raised similar concerns in other dockets, which are currently under consideration. *See, e.g.,* NGFA Comment 10, Nov. 12, 2019, *Final Offer Rate Review,* EP 755; NGFA Comment 4–5, Oct. 26, 2016, *Reciprocal Switching,* EP 711 (Sub-No. 1); NGFA Reply 20, Jan. 13, 2017, *Reciprocal Switching,* EP 711 (Sub-No. 1).

would not have a ''significant impact on a substantial number of small entities,'' section 605(b).

Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of impacts on small entities only when a rule directly regulates those entities. In other words, the impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop.* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

The amendments to the Board's regulations adopted here are intended to update the Board's class classifications and do not mandate or circumscribe the conduct of small entities. For the purpose of RFA analysis for rail carriers subject to the Board's jurisdiction, the Board defines a ''small business'' as only including those rail carriers classified as Class III rail carriers under 49 CFR part 1201, General Instructions section 1–1. *See Small Entity Size Standards Under the Regulatory Flexibility Act,* EP 719 (STB served June 30, 2016) (with the Board Member Begeman dissenting). Here, no substantive changes are being made to the Class III threshold, as the Board is only updating the regulations to reflect the current Class III threshold in 2019 dollars (rounded) as opposed to 1991 dollars. Therefore, the Board certifies under 5 U.S.C. 605(b) that these proposed rules, if promulgated, would not have a significant economic impact on a substantial number of small entities within the meaning of RFA.

Paperwork Reduction Act

The Board's proposal does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

Congressional Review Act

Pursuant to the Congressional Review Act, 5 U.S.C. 801–808, the Office of Information and Regulatory Affairs has designated this rule as a non-major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 49 CFR Part 1201

Railroads, Uniform System of Accounts.

It is ordered:

1. The Board adopts the final rule set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

3. This decision is effective on June 4, 2021.

Decided: March 30, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Brendetta Jones,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board amends title 49, chapter X, part 1201 of the Code of Federal Regulations as follows:

PART 1201—RAILROAD COMPANIES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 49 U.S.C. 11142 and 11164.

■ 2. In subpart A, amend the General Instructions, by revising § 1–1(a) and Note A to § 1–1 to read as follows:

Subpart A—Uniform System of Accounts

* * * * *

General Instructions

1–1 *Classification of carriers.* (a) For purposes of accounting and reporting, carriers are grouped into the following three classes:

Class I: Carriers having annual carrier operating revenues of $900 million or more after applying the railroad revenue deflator formula shown in Note A.

Class II: Carriers having annual carrier operating revenues of less than $900 million but in excess of $40.4 million after applying the railroad revenue deflator formula shown in Note A.

Class III: Carriers having annual carrier operating revenues of $40.4 million or less after applying the railroad revenue deflator formula shown in Note A.

* * * * *

Note A: The railroad revenue deflator formula is based on the Railroad Freight Price Index developed by the Bureau of Labor Statistics. The formula is as follows: Current Year's Revenues × (2019 Average Index/ Current Year's Average Index).

* * * * *

[FR Doc. 2021–06963 Filed 4–2–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No: 210325–0071; RTID 0648–XA993]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2021 Management Area 3 Sub-Annual Catch Limit Harvested

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the directed fishery for Management Area 3. This closure is required because NMFS projects 98 percent of the catch allotted to Management Area 3 has been caught. This action is intended to prevent or limit the overharvest of Atlantic herring in Management Area 3, which would result in additional quota reductions next year.

DATES: Effective 00:01 hr local time, April 1, 2021, through 24:00 local time, December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Lou Forristall, Fishery Management Specialist, (978) 281–9321.

SUPPLEMENTARY INFORMATION: The Regional Administrator for the Greater Atlantic Region monitors Atlantic herring fishery catch in each of the management areas based on vessel and dealer reports, state data, and other available information. The regulations at 50 CFR 648.201(a)(1)(i)(B)(2) require that the Regional Administrator prohibits federally permitted vessels from fishing for, possessing, transferring, receiving, landing, or selling more than 2,000 pounds (lb) (907.2 kilograms (kg)) in or from Atlantic herring Management Area 3 when 98 percent of the sub-Annual Catch Limit (ACL) is harvested. Based on dealer reports, state data, and other available information, the Regional Administrator projects that 98 percent of the Management Area 3 sub-ACL was harvested as of April 1, 2021. Therefore, effective 00:01 hr local time April 1, 2021, vessels may not fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day, in or from Management Area 3, through December 31, 2021. Vessels that have entered port before 00:01 hr local time, April 1, 2021, may land or sell more than 2,000 lb (907.2 kg) of Atlantic herring from Area

3 from that trip. A vessel may transit through Area 3 with more than 2,000 lb (907.2 kg) of Atlantic herring on board, provided all herring was caught outside Area 3 and all fishing gear is stowed and not available for immediate use as defined by 50 CFR 648.2. All herring vessels must land in accordance with state landing restrictions.

Effective 00:01 hr local time, April 1, 2021, through 24:00 hr local time, December 31, 2021, federally permitted dealers may not purchase, possess, have custody or control of, sell, barter, trade or transfer, or attempt to sell, barter, trade, or transfer more than 2,000 lb of herring per vessel per trip or calendar day from Management Area 3 through 24:00 hr local time, December 31, 2021, unless it is from a vessel that enters port before 00:01 local time on April 1, 2021.

Classification

This action is required by 50 CFR 648.201(a)(1)(i)(B) and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. NMFS also finds good cause to waive the 30-day delayed effectiveness in accordance with 5 U.S.C 553(d)(3). NMFS is required by Federal regulation to implement a 2,000 lb (907.2 kg) herring trip limit for Management Area 3, when 98 percent of the area quota is projected to be harvested. The 2021 herring fishing year opened on January 1, 2021, and Management Area 3 opened to fishing on that day. Data indicating the herring fleet will have landed at least 98 percent of the 2021 sub-ACL allocated to Management Area 3 only recently became available. High-volume catch and landings in this fishery increase total catch relative to the sub-ACL quickly, especially in this fishing year where annual catch limits are unusually low. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Management Area 3 for this fishing year will likely be exceeded, undermining conservation objectives of the Fishery Management Plan. When sub-ACLs are exceeded, the overage must be deducted from a future sub-ACL and would reduce future fishing opportunities. In addition, the public had prior notice and full opportunity to comment on this process when these provisions were put in place.

The public expects these actions to occur in a timely way consistent with the fishery management plan's objectives.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 31, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–06958 Filed 3–31–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 63
Monday, April 5, 2021

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 71

[Docket No. FAA–2021–0245; Airspace Docket No. 21–AAL–8]

RIN 2120–AA66

Proposed Amendment to Federal Airways V–436, J–125, and Establishment of United States Area Navigation Route T–399 in the Vicinity of Clear, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Alaskan Very High Frequency Omnidirectional Range (VOR) Federal airway V–436, jet route J–125, and to establish United States Area Navigation (RNAV) route T–399 in central Alaska. The airway actions are necessary due to the proposed amendment of restricted area R–2206 and proposed establishment of new restricted areas at Clear, AK. The FAA published a proposal to amend R–2206 and establish new restricted areas to protect aircraft operating at or in the vicinity of Clear Airport (PACL), AK, from hazardous High-Intensity Radiated Field (HIRF) associated with the Missile Defense Agency's (MDA) Long Range Discrimination Radar (LRDR) at Clear Air Force Station (Clear AFS).

DATES: Comments must be received on or before May 20, 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–2021–0245; Airspace Docket No. 21–AAL–8 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: Christopher McMullin, 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 modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

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–2021–0245; Airspace Docket No. 21–AAL–8) 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–2021–0245; Airspace Docket No. 21–AAL–8.'' 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 NPRM

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, Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

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 published a NPRM (Docket No. FAA–2020–0755) in the **Federal Register** (86 FR 11194; February 24, 2021) proposing to rename the established restricted area R–2206 to R–2206A and establish six new restricted areas, including R–2206B, R–2206C, R–2206D, R–2206E, R–2206F, and R–2206G over PACL in Clear, AK. The United States Air Force (USAF) on behalf of MDA requested this action to protect aircraft operating at or in the vicinity of PACL from hazardous HIRF produced by the LRDR at Clear AFS. Specifically, the proposed establishment of restricted areas R–2206C and R–2206G in Clear, Alaska would impact IFR routes between Anchorage and Fairbanks, AK, including jet route J–125, and Alaskan VOR Federal airway V–436.[1] The FAA's proposal to establish R–2206C and R–2206G up to 32,000 feet MSL would impede on the current airway structure, forcing operators to travel directly through the restricted areas. In this NPRM, the FAA proposes to amend these two airways and proposes to establish United States RNAV route T–399 to provide an alternate route around the proposed new restricted areas.[2] Potential alternate routes for portions of V–436 and J–125 that would be deleted have been identified. The alternate routes for V–436 are based on baseline routes from Anchorage to Nenana and from Anchorage to Deadhorse, and the alternate routes for J–125 are based on a baseline route from Anchorage to Deadhorse.

[1] A graphic depiction showing the proposed restricted areas with the current ATS route overlays has been uploaded to the docket for this rulemaking.

[2] The FAA notes that the NPRM for the proposed expansion of restricted airspace at Clear, Alaska to support the LRDR (86 FR at 11197) indicated that RNAV Route Q–41 would also be impacted; however, FAA has since determined that this route would not be impacted by the restricted airspace proposal.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend Alaskan VOR Federal airway V–436, and Jet Route J–125, as well as establish RNAV route T–399. The proposed expansion of restricted airspace in Clear, AK, if finalized as proposed, would make this action necessary. See 86 FR 11194 for restricted airspace proposal. The changes proposed in this action are outlined below.

V–436: Between Anchorage and Fairbanks, Alaskan VOR Federal Airway V–436 transects airspace with typical assigned altitudes from 10,000 feet MSL up to 18,000 feet MSL overlying the existing R–2206 airspace above Clear AFS. Based on the FAA's proposal to amend R–2206 and establish new restricted areas, V–436 would pass through restricted airspace when activated. Due to precipitous terrain and navigational aid confines, the FAA therefore proposes amendments to V–436 to ''bend'' the airway around the proposed new restricted areas. As proposed, the segment from Talkeetna, AK, to Nenana, AK, would be replaced by segments from Talkeetna, AK, to the AILEE waypoint to Fairbanks, AK. This proposed amendment would provide a low-altitude airway that would be clear of the new restricted airspace, as proposed, and would be available to aircraft that do not meet the requirements necessary to fly the proposed T–399 and existing V–438. Segments north of Nenana, AK, would be deleted because they would be redundant with the existing T–227 north of Fairbanks, AK. The FAA also proposes to delete the segment from Nenana, AK, to Deadhorse, AK. The rest of the route would remain unchanged.

The proposed revision of V–436 would allow ground based navigation from Talkeetna VOR/Distance Measuring Equipment (DME), AK to Fairbanks VOR and Tactical Air Navigational System (VORTAC), AK. The proposed deletion of the segment of V–436 from the Talkeetna, AK, VOR/DME, to the Nenana, AK, VORTAC can be mitigated by utilizing V–480 from the Fairbanks, AK, VORTAC, to the Nenana, AK, VORTAC. Additionally, for pilots navigating to the Deadhorse, AK, VOR/DME, from the Fairbanks. AK, VORTAC, pilots may utilize V–447 to the Chandalar, AK, Non Directional Beacon (NDB), and then A–17 to the Deadhorse, AK, VOR/DME.

J–125: Jet route J–125 (FL 180 up to FL 450) currently extends from the Kodiak, AK, VOR/DME and terminates at the Nenana, AK, VORTAC. The segment of the route from the Anchorage, AK, VHF Omnidirectional Range Test (VOT), to the Nenana, AK, VORTAC is primarily used for navigation from Anchorage, AK, to Deadhorse, AK. Based on the FAA's proposal to amend R–2206 and establish new restricted areas, this segment of J–125 between Anchorage, AK, and Nenana, AK, (southwest of Fairbanks) would be partially overlapped by restricted airspace that would extend up to FL 320. Because J–115, Q–43, and Q–41 provide the same capability as J–125, with minimal increased flight distances, the FAA proposes to delete the segment between Anchorage, AK, and Nenana, AK of J–125. The rest of the route would remain unchanged.

T–399: The FAA proposes to develop an additional RNAV Route T–399 to provide RNAV equipped pilots the ability to navigate between Talkeetna, AK, and Nenana, AK. As proposed, T–399 would begin at Talkeetna, AK, and continue north along the same route followed by V–436 to the AILEE waypoint, and then extend west around the proposed new restricted areas to Nenana, AK. This would provide pilots a more direct route to avoid the proposed new restricted areas.

Alaskan VOR Federal airways, Jet Routes, and RNAV routes are published in paragraphs 6010(b), 2004, and 6011, 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 would be subsequently published in the Order.

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

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 ''significant'' as defined in Department of Transportation (DOT) Regulatory Policies and Procedures; 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 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 FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6010(b) Alaskan VOR Federal Airways.

* * *

V–436 [Amended]

From Anchorage, AK, via INT Anchorage 335° (T) and Talkeetna, AK, 195° (T) radials; Talkeetna; Talkeetna 011° (T) and Fairbanks, AK, 210° (T) radials; Fairbanks.

* * * * *

Paragraph 2004 Jet Routes.

* * * * *

J–125 [Amended]

From Kodiak, AK, to Anchorage, AK.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * *

T–399 TKA TALKEETNA, AK TO NENANA, AK [NEW]

TALKEETNA, AK (TKA)	VOR/DME	(Lat. 62°17′54.16″ N, long. 150°06′18.90″ W)
AILEE, AK	WP	(Lat. 63°36′00.04″ N, long. 149°32′23.46″ W)
PAWWW, AK	WP	(Lat. 63°58′06.62″ N, long. 149°35′19.10″ W)
SEAHK, AK	WP	(Lat. 64°22′38.93″ N, long. 149°32′37.92″ W)
NENANA, AK (ENN)	VORTAC	(Lat. 64°35′24.04″ N, long. 149°04′22.34″ W)

* * * * *

Issued in Washington, DC, on March 30, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–06914 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2021–0074; Airspace Docket No. 20–ANE–5]

RIN 2120–AA66

Proposed Amendment of Restricted Areas R–4102A and R–4102B; Fort Devens, MA

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify restricted areas R–4102A and R–4102B at Fort Devens, MA, by amending the boundaries of the areas to align with the boundaries of the Fort Devens installation; and by changing the time of designation to reflect actual usage of the airspace.

DATES: Comments must be received on or before May 20, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2021–0074, Airspace Docket No. 20–ANE–5, at the beginning of your comments. You may also submit comments through the internet at *www.regulations.gov.*

Comments on environmental and land use aspects should be directed to Emily Babbit De Nicasio, Environmental Director DPW USAG Fort Devens, 30 Quebec St., Box 10, Devens, MA 01434–4479, telephone: (978) 796–2096, fax: (978) 796–2557.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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 modify restricted area airspace at Fort Devens, MA, to enhance aviation safety and accommodate essential U.S. Army hazardous training activities.

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–2021–0074; Airspace Docket No. 20–ANE–5) and be submitted in triplicate to the Docket Management System (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–2021–0074; Airspace Docket No. 20–ANE–5.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments 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 closing date for comments. 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 at 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, Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Background

Fort Devens was established in 1917 as ''Camp Evans.'' It was renamed Fort Devens in 1932. In 1991, the Base Realignment and Closure Commission (BRAC) recommended the closure of Fort Devens as an active U.S. Army installation and the retention of those areas and facilities essential to support the U.S. Army Reserves.[1] As a result of BRAC's recommendation, Fort Devens closed as an active duty U.S. Army installation on March 31, 1996, and, the next day, transitioned to a U.S. Army Reserve installation. Fort Devens remains an active training site for Reserve and National Guard forces.

Restricted airspace supporting the Fort Devens training areas consists of R–4102A and R–4102B. R–4102A extends from the surface to, but not including, 2,000 feet MSL. R–4102B overlies R–4102A sharing the same lateral boundaries. R–4102B extends from 2,000 feet MSL to 3,995 feet MSL.

The current time of designation of the restricted areas is ''0800 to 2200 Saturday local time; other times by NOTAM issued 24 hours in advance''. These times were adequate when Fort Devens became an U.S. Army Reserve installation in 1996 because training took place only on Saturdays. However, in succeeding years, the amount of training has significantly increased due to improved capabilities of the Range Complex and Training Areas, and greater demands for training. Today, Fort Devens provides training support for all military service branches.[2] Consequently, training is being conducted throughout the week rather than only on Saturdays.

An FAA review of Restricted Area Annual Utilization Reports for R–4102A and R–4102B noted that the restricted areas are being used significantly more than the published time of designation. However, the existing provision for ''other times by NOTAM issued 24 hours in advance'' allows for the additional use. FAA policy in FAA Order 7400.2, Procedures for Handling Airspace Matters, states that the published time of designation should reflect times when use of the airspace is normally expected to occur. Modifying the published times for R–4102A and R–4102B to reflect current actual usage would provide more accurate usage information to the aviation community, reduce the reliance on the NOTAM system for announcing routine daily use of the airspace, eliminate the administrative workload of issuing daily NOTAMs, and help reduce the large volume of daily NOTAMs in the system.

Additionally, certain portions of restricted areas R–4102A and R–4102B extend beyond the property boundaries of the Fort Devens installation and are not being used for military activities and need to be removed from the restricted airspace. A small section along the northern edge of the airspace overlies the Souza-Baranowski Correctional Center, and is not usable for military training due to the proximity of people and facilities on the ground. The northeast section of the airspace extends over part of the Oxbow National Wildlife Refuge, and is not usable for military training for environmental reasons. The southwest section of the airspace, toward the town of Lancaster, MA, is not used due to the proximity of residential and commercial property.

Finally, there are three sections of the military training area that are contained within the Fort Devens installation property boundary, but are not covered by the current restricted airspace. These areas are: A small slice along the southeast side of the restricted areas; a small section on the northern side; and, a larger area along the northwest side of the restricted area. The restricted airspace needs to be expanded to contain these sections in order to better utilize the Fort Devens installation training area.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to modify the time of designation, and the boundaries of restricted areas R–4102A and R–4102B at Fort Devens, MA. The current time of designation is ''0800 to 2200 Saturday local time; other times by NOTAM issued 24 hours in advance.'' This designation does not reflect the actual routine daily use of the airspace necessary to meet the training requirements at Fort Devens. The FAA proposes to amend the time of designation to read: ''Intermittent, 0730 to 2200 local time, daily; other times by NOTAM issued 24 hours in advance.'' This change would provide more accurate information to the aviation community about the current routine use of the airspace, and it would eliminate the administrative workload of issuing daily NOTAMs to activate the restricted areas.

The FAA also proposes to modify the boundaries of restricted areas R–4102A and R–4102B by removing sections of the restricted airspace that are not contained within the Fort Devens installation property boundaries. Additionally, it proposes to slightly expand the restricted areas on the northwest, northeast, and southeast sides to include small parts of the training area that are currently located within the Fort Deven installation property boundaries, but are not covered by the current restricted area boundaries. These proposed boundary changes would result in an overall reduction in the size of the restricted areas at Fort Devens and would improve the functionality of the training area as well as increase safety during training operations.

During periods when the restricted areas are not needed by the using agency, the airspace would be returned to the controlling agency (FAA, Boston Approach Control).

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,

[1] Defense Base Closure and Realignment Commission: Report to the President (1991).

[2] Under the shared use concept in FAA Order 7400.2, the FAA expects the military to share use of its special use airspace (SUA) with other military units to the extent possible to preclude creation of additional SUA.

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 subjected 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 Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.41 Massachusetts [Amended]

■ 2. Section 73.41 is amended as follows:

* * * * *

R–4102A Fort Devens, MA [Amended]

Boundaries. Beginning at lat. 42°31′11″ N, long. 71°38′29″ W; to lat. 42°30′55″ N, long. 71°37′51″ W; to lat. 42°30′12″ N, long. 71°38′05″ W; to lat. 42°29′38″ N, long. 71°37′41″ W; to lat. 42°28′21″ N, long. 71°39′14″ W; to lat. 42°28′11″ N, long. 71°39′32″ W; to lat. 42°28′11″ N, long. 71°39′38″ W; to lat. 42°28′15″ N, long. 71°39′45″ W; to lat. 42°28′25″ N, long. 71°40′08″ W; to lat. 42°28′54″ N, long. 71°41′00″ W; to lat. 42°29′08″ N, long. 71°41′06″ W; to lat. 42°29′52″ N, long. 71°41′08″ W; to lat. 42°30′17″ N, long. 71°41′29″ W; to lat. 42°30′19″ N, long. 71°41′19″ W; to lat. 42°30′37″ N, long. 71°40′30″ W; to lat. 42°30′43″ N, long. 71°40′17″ W; to lat. 42°30′52″ N, long. 71°40′14″ W; to lat. 42°30′54″ N, long. 71°40′10″ W; to lat. 42°30′53″ N, long. 71°40′02″ W; to lat. 42°30′48″ N, long. 71°39′57″ W; to lat. 42°30′47″ N, long. 71°39′45″ W; to lat. 42°30′55″ N, long. 71°39′31″ W; to lat. 42°30′58″ N, long. 71°39′18″ W; to lat. 42°30′57″ N, long. 71°39′09″ W; to lat. 42°30′52″ N, long. 71°38′42″ W; to lat. 42°30′58″ N, long. 71°38′33″ W; to lat. 42°31′06″ N, long. 71°38′37″ W; thence to the point of beginning. *Designated altitudes.* Surface to, but not including, 2,000 feet MSL. *Time of designation.* Intermittent, 0730–2200 local time, daily; other times by NOTAM issued 24 hours in advance. *Controlling agency.* FAA, Boston Approach Control. *Using agency.* Commander, U.S. Army Garrison, Fort Devens, MA.

R–4102B Fort Devens, MA [Amended]

Boundaries. Beginning at lat. 42°31′11″ N, long. 71°38′29″ W; to lat. 42°30′55″ N, long. 71°37′51″ W; to lat. 42°30′12″ N, long. 71°38′05″ W; to lat. 42°29′38″ N, long. 71°37′41″ W; to lat. 42°28′21″ N, long. 71°39′14″ W; to lat. 42°28′11″ N, long. 71°39′32″ W; to lat. 42°28′11″ N, long. 71°39′38″ W; to lat. 42°28′15″ N, long. 71°39′45″ W; to lat. 42°28′25″ N, long. 71°40′08″ W; to lat. 42°28′54″ N, long. 71°41′00″ W; to lat. 42°29′08″ N, long. 71°41′06″ W; to lat. 42°29′52″ N, long. 71°41′08″ W; to lat. 42°30′17″ N, long. 71°41′29″ W; to lat. 42°30′19″ N, long. 71°41′19″ W; to lat. 42°30′37″ N, long. 71°40′30″ W; to lat. 42°30′43″ N, long. 71°40′17″ W; to lat. 42°30′52″ N, long. 71°40′14″ W; to lat. 42°30′54″ N, long. 71°40′10″ W; to lat. 42°30′53″ N, long. 71°40′02″ W; to lat. 42°30′48″ N, long. 71°39′57″ W; to lat. 42°30′47″ N, long. 71°39′45″ W; to lat. 42°30′55″ N, long. 71°39′31″ W; to lat. 42°30′58″ N, long. 71°39′18″ W; to lat. 42°30′57″ N, long. 71°39′09″ W; to lat. 42°30′52″ N, long. 71°38′42″ W; to lat. 42°30′58″ N, long. 71°38′33″ W; to lat. 42°31′06″ N, long. 71°38′37″ W; thence to the point of beginning.

Designated altitudes. 2,000 feet MSL to 3,995 feet MSL.

Time of designation. Intermittent, 0730–2200 local time, daily; other times by NOTAM issued 24 hours in advance.

Controlling agency. FAA, Boston Approach Control.

Using agency. Commander, U.S. Army Garrison, Fort Devens, MA.

* * * * *

Issued in Washington, DC, on March 29, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–06739 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506–AB49

Beneficial Ownership Information Reporting Requirements

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: FinCEN is issuing this advance notice of proposed rulemaking (ANPRM) to solicit public comment on questions pertinent to the implementation of the Corporate Transparency Act (CTA), enacted into law as part of the National Defense Authorization Act for Fiscal Year 2021 (NDAA). This ANPRM seeks initial public input on procedures and standards for reporting companies to submit information to FinCEN about their beneficial owners (the individual natural persons who ultimately own or control the reporting companies) as required by the CTA. This ANPRM also seeks initial public input on FinCEN's implementation of the related provisions of the CTA that govern FinCEN's maintenance and disclosure of beneficial ownership information subject to appropriate protocols.

DATES: Written comments on this ANPRM must be received on or before May 5, 2021.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2021–0005 and RIN 1506–AB49.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2021–0005 and RIN 1506–AB49.

FOR FURTHER INFORMATION CONTACT: The FinCEN Regulatory Support Section at 1–800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION:

I. Scope of ANPRM

This ANPRM seeks comment on FinCEN's implementation of certain provisions in Section 6403 of the CTA.[1]

[1] The CTA is Title LXIV of the National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283 (January 1, 2021). Section 6403 of the CTA, among other things, amends the Bank Secrecy Act

Continued

Section 6403 requires reporting companies (corporations, limited liability companies (LLCs), and similar entities, subject to certain statutory exemptions) to submit to FinCEN specified information on their beneficial owners—the individual natural persons who own or control them—as well as specified information about the persons who form or register those reporting companies. Section 6403 further requires FinCEN to maintain this information in a confidential, secure, and non-public database, and it authorizes FinCEN to disclose the information to certain government agencies for certain purposes specified in the CTA, and to financial institutions to assist in meeting their customer due diligence obligations. In both cases, these disclosures are subject to appropriate protocols to protect confidentiality. This ANPRM seeks comment on numerous questions as FinCEN begins to develop proposed regulations implementing these provisions. While only the regulations implementing the reporting requirements must be promulgated by January 1, 2022, with an effective date to be determined, FinCEN also seeks comment at this time on its implementation of the related database maintenance use and disclosure provisions. Section 6403's mandate that the final rule on customer due diligence requirements for financial institutions be revised will be the subject of a separate rulemaking, about which the public will receive notice and opportunity to comment.

II. Background

A. The Bank Secrecy Act

Enacted in 1970 and amended most recently by the Anti-Money Laundering Act of 2020, which includes the CTA, the Bank Secrecy Act (BSA) aids in the prevention of money laundering, terrorism financing, and other illicit activity.[2] The purposes of the BSA include, among other things, ''requir[ing] certain reports or records that are highly useful in—(A) criminal, tax, or regulatory investigations, risk assessments, or proceedings; or (B) intelligence or counterintelligence activities, including analysis, to protect against terrorism'' and ''establish[ing] appropriate frameworks for information sharing'' among financial institutions and government authorities.[3]

Congress has authorized the Secretary of the Treasury (the Secretary) to administer the BSA. The Secretary has delegated to the Director of FinCEN the authority to implement, administer, and enforce compliance with the BSA and associated regulations.[4] FinCEN is authorized to require financial institutions or nonfinancial trades or businesses to maintain procedures to ensure compliance with the BSA and the regulations promulgated thereunder and to guard against money laundering, the financing of terrorism, and other forms of illicit finance.[5]

B. Beneficial Ownership of Legal Entities

Legal entities such as corporations and LLCs play an important role in the U.S. economy. By limiting individual liability, corporations and LLCs allow owners to manage the risks associated with participating in business ventures. They also facilitate the formation of capital, making it easier to finance large business projects and structure the relationships among individuals engaged in an enterprise. They often can be formed with relatively few formalities and abbreviated (if any) regulatory review and approval, and their availability can be viewed as a stimulus to investment, entrepreneurship, and economic activity.

At the same time, legal entities can be misused to conceal and facilitate illicit activity. As Congress recognized in the CTA, ''malign actors seek to conceal their ownership of corporations, limited liability companies, or other similar entities in the United States to facilitate illicit activity, including money laundering, the financing of terrorism, proliferation financing, serious tax fraud, human and drug trafficking, counterfeiting, piracy, securities fraud, financial fraud, and acts of foreign corruption[.]'' [6] Furthermore, Congress underscored that ''money launderers and others involved in commercial activity intentionally conduct transactions through corporate structures in order to evade detection, and may layer such structures . . . across various secretive jurisdictions such that each time an investigator obtains ownership records for a domestic or foreign entity, the newly identified entity is yet another corporate entity, necessitating a repeat of the same process.'' [7] The ability to engage in activity and obtain financial services in the name of a legal entity without disclosing the identities of the natural persons who own or control the entity—the natural persons whose interests the legal entity most directly serves—enables those natural persons to conceal their interests. As FinCEN has previously highlighted, such concealment ''facilitates crime, threatens national security, and jeopardizes the integrity of the financial system.'' [8]

U.S. government reports have consistently identified the ability to operate through legal entities without ready identification of their beneficial owners as a key illicit finance risk for the U.S. financial system. The 2018 National Money Laundering Risk Assessment noted that legal entities are misused by illicit actors to disguise criminal proceeds, and that the lack of readily available beneficial ownership information hampers law enforcement investigations, asset seizures and forfeitures, and international cooperation, as well as the ability of financial institutions to conduct customer due diligence (CDD) and identify suspicious activity.[9] Further, the 2020 National Strategy to Combat Terrorist and Other Illicit Financing (2020 National Strategy) found that large-scale schemes that generate substantial proceeds for perpetrators and smaller white-collar cases alike routinely involve shell companies.[10] As the Federal Bureau of Investigation (FBI) stated in recent Congressional testimony, the strategic use of shell companies ''makes investigations exponentially more difficult and laborious. The burden of uncovering true beneficial owners can often handicap or delay investigations, frequently requiring duplicative, slow-moving legal process in several jurisdictions to gain the necessary information.'' [11] Moreover, as the 2020

by adding a new Section 5336, Beneficial Ownership Information Reporting Requirements, to Subchapter II of Chapter 53 of Title 31, United States Code. To the greatest extent possible, this ANPRM will cite to new 31 U.S.C. 5336.

[2] Section 6003(1) of the Anti-Money Laundering Act of 2020, Division F of the National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283 (January 1, 2021), which includes the CTA, defines the Bank Secrecy Act as comprising Section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), Chapter 2 of Title I of Public Law 91–508 (12 U.S.C. 1951 *et seq.*), and Subchapter II of Chapter 53 of Title 31, United States Code.

[3] 31 U.S.C. 5311(1), (5).

[4] Treasury Order 180–01 (Jan. 14, 2020).

[5] 31 U.S.C. 5318(a)(2).

[6] CTA Section 6402(3).

[7] CTA Section 6402(4).

[8] Notice of Proposed Rulemaking: Customer Due Diligence Requirements for Financial Institutions, 79 FR 45151, 45153 (August 4, 2014).

[9] U.S. Department of the Treasury, National Money Laundering Risk Assessment (2018) (2018 NMLRA), pp. 28–30, *https://home.treasury.gov/system/files/136/2018NMLRA_12-18.pdf.*

[10] U.S. Department of the Treasury, National Strategy for Combating Terrorist and Other Illicit Financing (2020) (2020 National Strategy), p. 14, *https://home.treasury.gov/system/files/136/National-Strategy-to-Counter-Illicit-Financev2.pdf.*

[11] Testimony of Steven M. D'Antuono, Acting Deputy Assistant Director, Criminal Investigative

National Strategy noted, ''while some federal law enforcement agencies may have the resources required to undertake complex (and costly) investigations [of this sort], the same is often not true for state, local, and tribal law enforcement.'' [12] The burden imposed on investigations by the concealment of beneficial ownership information and the difficulty of obtaining accurate beneficial ownership information thus significantly hampers U.S. anti-money laundering (AML) and countering the financing of terrorism (CFT) efforts.

The United States has taken steps to increase corporate transparency. For example, in October 2001, Congress began requiring U.S. financial institutions that maintain correspondent accounts for certain categories of foreign banks to obtain beneficial ownership information about those banks, including ''the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner.'' [13] In 2016, FinCEN promulgated the CDD Rule,[14] which, among other things, requires banks, broker-dealers, mutual funds, futures commission merchants, and introducing brokers in commodities to collect beneficial ownership information at the time they open new accounts for legal entity customers, including corporations and LLCs.[15]

But these steps are only a partial solution.[16] For example, U.S. legal entities could make payments through foreign accounts to acquire U.S.-based assets and then use those assets to engage in illicit activity without ever undergoing CDD. Further, U.S. legal entities without any U.S.-based accounts could be engaged in illicit activity outside the United States without having ever been subjected to CDD.

Moreover, requiring financial institutions to obtain beneficial ownership information at the time of account opening, as the CDD Rule requires, does not make beneficial ownership information about U.S. legal entities available to law enforcement before an account is opened. Because states have different practices governing the formation of legal entities in the United States, the extent to which information about the beneficial owners of a U.S. legal entity may be otherwise available to law enforcement can vary widely from state to state.

The U.S. government has long recognized that the difficulty of obtaining accurate, up-to-date beneficial ownership information constitutes a fundamental risk that due diligence by U.S. financial institutions cannot completely mitigate. Consequently, the U.S. government has identified this deficiency as the top priority for strengthening the U.S. AML/CFT regime, which, as Congress has noted, is essential to protect U.S. national security.[17] The Financial Action Task Force (FATF), the intergovernmental organization that sets the international standards for combatting money laundering and the financing of terrorism and proliferation, of which the United States is a founding member, has set minimum standards for beneficial ownership transparency, against which over 200 jurisdictions are assessed. Many countries, including the United Kingdom and all member states of the European Union, have incorporated elements derived from these standards into their domestic legal and/or regulatory frameworks.[18] The 2016 FATF Mutual Evaluation Report of the United States underscored the seriousness of this deficiency as the lack of beneficial ownership transparency was one of the main reasons for the United States' failing grade regarding the effectiveness of the transparency of its beneficial ownership regime.[19] FATF has also collaborated with the Egmont Group of Financial Intelligence Units on a study that identifies key techniques used to conceal beneficial ownership and identifies issues for consideration that include coordinated national action to limit the misuse of legal entities.[20] Furthermore, the United States and other major economies have made commitments to enhance beneficial ownership transparency through the then-Group of Eight (G8) and Group of Twenty (G20).[21] The CTA addresses that commitment.

C. The CTA

The CTA, which Congress enacted on January 1, 2021, establishes a new framework for the reporting, maintenance, and disclosure of beneficial ownership information to:

- Set a clear federal standard for incorporation practices;
- Protect vital U.S. national security interests;

Division, Federal Bureau of Investigation, before the Senate Banking, Housing, and Urban Affairs Committee, May 21, 2019.

[12] 2020 National Strategy, p. 14.

[13] 31 U.S.C. 5318(i)(2), added by Section 312(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 (Pub. L. 107–56).

[14] 81 FR 29398 (May 11, 2016).

[15] 31 CFR 1010.230.

[16] *See* U.S. Money Laundering Threat Assessment Working Group, U.S. Money Laundering Threat Assessment, pp. 48–49 (2005), *https://www.treasury.gov/resource-center/terrorist-illicit-finance/documents/mlta.pdf. See also* Miller, Rena S. and Rosen, Liana W., Beneficial Ownership Transparency in Corporate Formation, Shell Companies, Real Estate, and Financial Transactions, Congressional Research Service (July 8, 2019), *https://crsreports.congress.gov/product/pdf/R/R45798*. In promulgating the CDD Rule, FinCEN noted that the beneficial ownership collection and verification requirements imposed on financial institutions at the account opening stage for legal entities was one part of a strategy that also involved the collection of beneficial ownership information at the time of incorporation. *See* 81 FR 29398, 29401 (''[C]larifying and strengthening CDD is an important component of Treasury's broader three-part strategy to enhance financial transparency of legal entities. Other key elements of this strategy include: (i) . . . the collection of beneficial ownership information at the time of the legal entity's formation and (ii) facilitating global implementation of international standards regarding CDD and beneficial ownership of legal entities'').

[17] CTA Section 6402(5)(B). *See* 2020 National Strategy, p. 40; 2018 NMLRA, pp. 28–30. *See also* Miller, Rena S. and Rosen, Liana W., Beneficial Ownership Transparency in Corporate Formation, Shell Companies, Real Estate, and Financial Transactions, Congressional Research Service (July 8, 2019), *https://crsreports.congress.gov/product/pdf/R/R45798*.

[18] The FATF is an international, inter-governmental task force whose purpose is the development and promotion of international standards and the effective implementation of legal, regulatory, and operational measures to combat money laundering, terrorist financing, the financing of proliferation, and other related threats to the integrity of the international financial system. Among other things, it has established standards on transparency and beneficial ownership of legal persons, so as to deter and prevent the misuse of corporate vehicles. The FATF Recommendations require countries to ensure that ''adequate, accurate, and timely information on the beneficial ownership and control'' of corporate vehicles is available and can be accessed by the competent authorities in a timely fashion. *See* FATF Recommendation 24, Transparency and Beneficial Ownership of Legal Persons, The FATF Recommendations: International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation (updated October, 2020), *http://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html*; FATF Guidance, Transparency and Beneficial Ownership at par. 3 (October 2014), *https://www.fatf-gafi.org/media/fatf/documents/reports/Guidance-transparency-beneficial-ownership.pdf*.

[19] *See* FATF, Mutual Evaluation of the United States (2016), p. 4 (key findings) and Ch. 7.

[20] FATF-Egmont Group, Concealment of Beneficial Ownership (2018), *https://www.egmontgroup.org/sites/default/files/filedepot/Concealment_of_BO/FATF-Egmont-Concealment-beneficial-ownership.pdf*.

[21] *See, e.g.,* United States G–8 Action Plan for Transparency of Company Ownership and Control (June 2013), *https://obamawhitehouse.archives.gov/the-press-office/2013/06/18/united-states-g-8-action-plan-transparency-company-ownership-and-control*; G8 Lough Erne Declaration (July 2013), *https://www.gov.uk/government/publications/g8-lough-erne-declaration*; G20 High Level Principles on Beneficial Ownership (2014), *http://www.g20.utoronto.ca/2014/g20_high-level_principles_beneficial_ownership_transparency.pdf*; United States Action Plan to Implement the G–20 High Level Principles on Beneficial Ownership (Oct. 2015), *https://obamawhitehouse.archives.gov/blog/2015/10/16/us-action-plan-implement-g-20-high-level-principles-beneficial-ownership*.

- Protect interstate and foreign commerce;
- Better enable critical national security, intelligence, and law enforcement efforts to counter money laundering, the financing of terrorism, and other illicit activity; and
- Bring the United States into compliance with international AML/CFT standards.[22] Section 6403 of the CTA amends the BSA by adding a new section at 31 U.S.C. 5336 that requires the reporting of beneficial ownership information at the time of formation or registration, along with protections to ensure that the reported beneficial ownership information is maintained securely and accessed only by authorized persons for limited uses. The CTA requires the Secretary to promulgate implementing regulations that prescribe procedures and standards governing the reporting and use of such information, to include procedures governing the issuance of ''FinCEN identifiers'' for beneficial ownership information reporting.[23] The CTA requires FinCEN to maintain beneficial ownership information in a secure, non-public database that is highly useful to national security, intelligence, and law enforcement agencies, as well as federal functional regulators.[24]

Through this ANPRM, FinCEN seeks input on how best to implement the reporting requirements of the CTA, as well as the CTA's provisions regarding FinCEN's maintenance and disclosure of reported information, from regulated parties; the governments of the states, U.S. possessions, local jurisdictions, and Indian tribes; law enforcement; regulatory agencies; other consumers of BSA data; and any other interested parties. FinCEN sets forth below specific questions based upon the statutory requirements and welcomes comments on any other issues relevant to the implementation of the CTA.[25]

III. Requirements of the CTA

In general, the CTA requires a reporting company [26]—in accordance with rules to be issued by FinCEN—to submit to FinCEN information that identifies the beneficial owner(s) [27] and applicant(s) [28] of the reporting company.[29] Specifically, reporting companies must report, for each identified beneficial owner and applicant, the following information: (i) Full legal name; (ii) date of birth; (iii) current residential or business street address; and (iv) a unique identifying number from an acceptable identification document *or* the individual's FinCEN identifier.[30]

The CTA defines a beneficial owner of an entity as an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise (i) exercises substantial control over the entity, or (ii) owns or controls not less than 25 percent of the ownership interests of the entity.[31] The CTA defines a reporting company as a corporation, LLC, or other similar entity that is (i) created by the filing of a document with a secretary of state or a similar office under the law of a state or Indian tribe, or (ii) formed under the law of a foreign country and registered to do business in the United States by the filing of a document with a secretary of state or a similar office under the laws of a state or Indian tribe. The CTA exempts certain categories of entities from the reporting requirement.[32]

The CTA also requires that FinCEN issue a ''FinCEN identifier'' to an individual or entity that has submitted the required beneficial ownership information, if the individual or entity so requests.[33] A FinCEN identifier is to be a unique identifier for each individual or entity that may be used for subsequent reporting to FinCEN in lieu of providing certain other information.[34]

The CTA requires FinCEN to maintain the reported beneficial ownership information in a secure, non-public database for not fewer than five years after the date on which the reporting company terminates.[35]

The CTA prohibits the unauthorized disclosure of beneficial ownership information collected by FinCEN, including authorized recipients' subsequent disclosures for unauthorized purposes.[36] Pursuant to the CTA, FinCEN may disclose beneficial ownership information upon receipt of: (i) A request, through appropriate protocols, from a federal agency engaged in national security, intelligence, or law enforcement activity, for use in furtherance of such activity; [37] (ii) a request, through appropriate protocols, from a non-federal law enforcement agency with specified court authorization; [38] (iii) a request from a federal agency on behalf of certain foreign requestors under specified conditions; [39] (iv) a request by a financial institution subject to CDD requirements, with the consent of the reporting company, to facilitate compliance with CDD requirements under applicable law; [40] and (v) a

[22] CTA Section 6402(5).

[23] *See* 31 U.S.C. 5336(b)(5), added by CTA Section 6403(a). How FinCEN will issue these identifiers, whether individuals and legal entities will use (and will need to be issued) different types of identifiers, and whether other types of identifiers may be useable as FinCEN identifiers are among the issues about which the CTA is silent. This ANPRM accordingly includes some questions relating to the FinCEN identifier.

[24] CTA Section 6402(7)(A), (8)(C). The Federal functional regulators are the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, and the Securities and Exchange Commission, and any other federal regulator that examines financial institutions for compliance with the BSA. CTA Section 6003(3) (citing 15 U.S.C. 6809).

[25] The CTA requires FinCEN to undertake a separate process, subsequent to the issuance of a final rule on legal entity beneficial ownership reporting, to revise CDD requirements for financial institutions in light of the new legal entity reporting requirements. While FinCEN welcomes comments in response to this ANPRM that address the effects of different design choices with respect to legal entity reporting on the ultimate shape of financial institution CDD requirements, persons wishing to comment on such issues should be aware that they will have another opportunity at a later time to comment on the revision of CDD requirements, when FinCEN undertakes that separate process.

[26] Defined at 31 U.S.C. 5336(a)(11), added by CTA Section 6403(a).

[27] Defined at 31 U.S.C. 5336(a)(3), added by CTA Section 6403(a).

[28] Defined at 31 U.S.C. 5336(a)(2), added by CTA Section 6403(a).

[29] 31 U.S.C. 5336(b)(1), (2)(A), added by CTA Section 6403(a).

[30] 31 U.S.C. 5336(b)(2)(A), added by CTA Section 6403(a).

[31] 31 U.S.C. 5336(a)(3), added by CTA Section 6403(a). The definition contains certain exceptions, including, under certain circumstances: (i) Minors whose parent or guardian file their own beneficial ownership information; (ii) individuals who act as nominees, intermediaries, custodians, or agents; (iii) individuals acting solely as employees of an entity; (iv) individuals with interests through rights of inheritance; and (v) individuals who are creditors. *See* 31 U.S.C. 5336(a)(3)(B), added by CTA Section 6403(a).

[32] 31 U.S.C. 5336(a)(11)(B), added by CTA Section 6403(a). The definition of reporting company specifically exempts 24 categories of entities, including certain types of registered entities (*e.g.,* various companies registered under federal securities laws and the Commodity Exchange Act, FinCEN-registered money transmitters, and registered public accounting firms); banks; credit unions; public utility companies; certain tax exempt entities; entities with specified levels of operations in the United States; entities owned or controlled by other entities that qualify for one of several other specified exemptions; and certain kinds of dormant entities, among others. The Secretary, with the concurrence of the Attorney General and the Secretary of Homeland Security, may by regulation also exempt additional categories of entities.

[33] 31 U.S.C. 5336(b)(2)(A)(iv), (b)(3), added by CTA Section 6403(a).

[34] 31 U.S.C. 5336(a)(6), (b)(2)(A)(iv), (b)(3), added by CTA Section 6403(a).

[35] 31 U.S.C. 5336(c)(1), added by CTA Section 6403(a); CTA Section 6402(7).

[36] 31 U.S.C. 5336(c)(2)(A), added by CTA Section 6403(a).

[37] 31 U.S.C. 5336(c)(2)(B)(i)(I), added by CTA Section 6403(a).

[38] 31 U.S.C. 5336(c)(2)(B)(i)(II), added by CTA Section 6403(a).

[39] 31 U.S.C. 5336(c)(2)(B)(ii), added by CTA Section 6403(a).

[40] 31 U.S.C. 5336(c)(2)(B)(iii), added by CTA Section 6403(a).

request by a Federal functional regulator or other appropriate regulatory agency under certain circumstances.[41] The CTA also authorizes officers and employees of the Department of the Treasury to access beneficial ownership information consistent with their official duties and subject to procedures and safeguards prescribed by the Secretary.[42]

The CTA requires the Secretary to promulgate regulations prescribing procedures and standards governing beneficial ownership reporting and the FinCEN identifier by January 1, 2022.[43] These regulations will specify a subsequent effective date, which will be informed by information received pursuant to the notice and comment process. FinCEN intends to provide a reasonable timeframe for stakeholders to implement the regulations.

The regulations promulgated pursuant to the CTA are required to specify certain procedures, methods, and standards. Some of these specifications must be included in the regulations that are to be promulgated within a year of the CTA's enactment:

- Prescribing procedures and standards governing reporting of beneficial ownership information and any FinCEN identifier;[44]
- Specifying the information required to be reported and the reporting method;[45]
- Specifying the method for reporting changes in beneficial ownership (for both entities and persons holding FinCEN identifiers);[46] and
- Specifying reporting requirements for exempt subsidiaries and exempt grandfathered entities that cease to be exempt.[47]

Others do not have to be included in the CTA regulations required by January 1, 2022, but the specific requirements of the reporting regulations that must be finalized by that date may affect these other specifications:

- The form and manner in which information shall be provided by FinCEN to a financial institution for CDD, and to certain regulatory agencies for certain purposes;[48]
- Protocols to protect the security and confidentiality of beneficial ownership information, to include obligations on requesting agencies;[49] and
- Establishment of a safe harbor for persons seeking to amend previously submitted but inaccurate beneficial ownership information.[50]

Further, the CTA requires the Secretary to take certain actions in developing these regulations. This includes an obligation to reach out to members of the small business community and other appropriate parties to ensure efficiency and effectiveness of the process for the entities subject to the requirements of the CTA.[51] Additionally, in promulgating the required regulations prescribing procedures and standards governing reporting of beneficial ownership information and any FinCEN identifier, the CTA requires FinCEN, to the greatest extent practicable, to:

- Establish partnerships with State, local, and Tribal governmental agencies;
- Collect required identity information of beneficial owners through existing federal, state, and local processes and procedures;
- Minimize burdens on reporting companies associated with the collection of the required information, in light of the private compliance costs placed on legitimate businesses, including by identifying any steps taken to mitigate the costs relating to compliance with the collection of information; and
- Collect the required information in a form and manner that ensures the information is highly useful in (a) facilitating important national security, intelligence, and law enforcement activities, and (b) confirming beneficial ownership information provided to financial institutions in order to facilitate financial institutions' compliance with AML, CFT, and CDD requirements under applicable law.[52]

IV. Questions for Comment

FinCEN invites comments on all aspects of the CTA, but specifically seeks comments on the questions listed below. FinCEN encourages commenters to reference specific question numbers to facilitate FinCEN's review of comments.

Definitions

(1) The CTA requires reporting of beneficial ownership information by ''reporting companies,'' which are defined, subject to certain exceptions, as including corporations, LLCs, or any ''other similar entity'' that is created by the filing of a document with a secretary of state or a similar office under the law of a state or Indian tribe or formed under the law of a foreign country and registered to do business in the United States by the filing of such a document.

a. How should FinCEN interpret the phrase ''other similar entity,'' and what factors should FinCEN consider in determining whether an entity qualifies as a similar entity?

b. What types of entities other than corporations and LLCs should be considered similar entities that should be included or excluded from the reporting requirements?

c. If possible, propose a definition of the type of ''other similar entity'' that should be included, and explain how that type of entity satisfies the statutory standard, as well as why that type of entity should be covered. For example, if a commenter thinks that state-chartered non-depository trust companies should be considered similar entities and required to report, the commenter should explain how, in the commenter's opinion, such companies satisfy the requirement that they be formed by filing a document with a secretary of state or ''similar office.''

(2) The CTA limits the definition of reporting companies to corporations, LLCs, and other similar entities that are ''created by the filing of a document with a secretary of state or a similar office under the law of a State or Indian Tribe'' or ''registered to do business in the United States by the filing of a document with a secretary of state or a similar office under the laws of a State or Indian Tribe.''

a. Does this language describe corporate filing practices and the applicable law of the states and Indian tribes sufficiently clearly to avoid confusion about whether an entity does or does not meet this requirement?

b. If not, what additional clarifications could make it easier to determine whether this requirement applies to a particular entity?

(3) The CTA defines the ''beneficial owner'' of an entity, subject to certain exceptions, as ''an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise'' either ''exercises substantial control over the entity'' or ''owns or controls not less than 25 percent of the ownership

[41] 31 U.S.C. 5336(c)(2)(B)(iv), added by CTA Section 6403(a).

[42] 31 U.S.C. 5336(c)(5), added by CTA Section 6403(a).

[43] 31 U.S.C. 5336(b)(5), added by CTA Section 6403(a).

[44] 31 U.S.C. 5336(b)(4)(A), added by CTA Section 6403(a).

[45] 31 U.S.C. 5336(b)(1)(A)–(C), (2)(A), added by CTA Section 6403(a).

[46] 31 U.S.C. 5336(b)(1)(D), (3)(A)(ii), added by CTA Section 6403(a).

[47] 31 U.S.C. 5336(b)(1)(B), (2)(D), (2)(E), added by CTA Section 6403(a).

[48] 31 U.S.C. 5336(c)(2)(C), added by CTA Section 6403(a).

[49] 31 U.S.C. 5336(c)(3), added by CTA Section 6403(a)).

[50] 31 U.S.C. 5336(h)(3)(C), added by CTA Section 6403(a).

[51] 31 U.S.C. 5336(g), added by CTA Section 6403(a).

[52] 31 U.S.C. 5336(b)(1)(F), added by CTA Section 6403(a). FinCEN anticipates that fulfillment of these requirements will involve in-depth engagement with federal as well as state, local, and tribal government agencies.

interests of the entity.'' Is this definition, including the specified exceptions, sufficiently clear, or are there aspects of this definition and specified exceptions that FinCEN should clarify by regulation?

a. To what extent should FinCEN's regulatory definition of beneficial owner in this context be the same as, or similar to, the current CDD rule's definition or the standards used to determine who is a beneficial owner under 17 CFR 240.13d–3 adopted under the Securities Exchange Act of 1934?

b. Should FinCEN define either or both of the terms ''own'' and ''control'' with respect to the ownership interests of an entity? If so, should such a definition be drawn from or based on an existing definition in another area, such as securities law or tax law?

c. Should FinCEN define the term ''substantial control''? If so, should FinCEN define ''substantial control'' to mean that no reporting company can have more than one beneficial owner who is considered to be in substantial control of the company, or should FinCEN define that term to make it possible that a reporting company may have more than one beneficial owner with ''substantial control''?

(4) The CTA defines the term ''applicant'' as an individual who ''files an application to form'' or ''registers or files an application to register'' a reporting company under applicable state or tribal law. Is this language sufficiently clear, in light of current law and current filing and registration practices, or should FinCEN expand on this definition, and if so how?

(5) Are there any other terms used in the CTA, in addition to those the CTA defines, that should be defined in FinCEN's regulations to provide additional clarity? If so, which terms, why should FinCEN define such terms by regulation, and how should any such terms be defined?

(6) The CTA contains numerous defined exemptions from the definition of ''reporting company.'' Are these exemptions sufficiently clear, or are there aspects of any of these definitions that FinCEN should clarify by regulation?

(7) In addition to the statutory exemptions from the definition of ''reporting company,'' the CTA authorizes the Secretary, with the concurrence of the Attorney General and the Secretary of Homeland Security, to exempt any other entity or class of entities by regulation, upon making certain determinations.[53] Are there any categories of entities that are not currently subject to an exemption from the definition of ''reporting company'' that FinCEN should consider for an exemption pursuant to this authority, and if so why?

(8) If a trust or special purpose vehicle is formed by a filing with a secretary of state or a similar office, should it be included or excluded from the reporting requirements?

(9) How should a company's eligibility for any exemption from the reporting requirements, including any exemption from the definition of ''reporting company,'' be determined?

a. What information should FinCEN require companies to provide to qualify for these exemptions, and what verification process should that information undergo?

b. Should there be different information requirements for operating companies and holding companies, for active companies and dormant companies, or are there other bases for distinguishing between types of companies?

c. Should exempt entities be required to file periodic reports to support the continued application of the relevant exemption (*e.g.,* annually)?

Reporting of Beneficial Ownership Information

(10) What information should FinCEN require a reporting company to provide about the reporting company itself to ensure the beneficial ownership database is highly useful to authorized users?

(11) What information should FinCEN require a reporting company to provide about the reporting company's corporate affiliates, parents, and subsidiaries, particularly given that in some cases multiple companies can be layered on top of one another in complex ownership structures?

(12) Should a reporting company be required to provide information about the reporting company's corporate affiliates, parents, and subsidiaries as a matter of course, or only when that information has a bearing on the reporting company's ultimate beneficial owner(s)?

(13) What information, if any, should FinCEN require a reporting company to provide about the nature of a reporting company's relationship to its beneficial owners (including any corporate intermediaries or any other contract, arrangement, understanding, or relationship), to ensure that the beneficial ownership database is highly useful to authorized users?

(14) Persons currently obligated to file reports with FinCEN overwhelmingly do so electronically, either on a form-by-form basis or in batches using proprietary software developed by private-sector technology service providers.

a. Should FinCEN allow electronic filing of required information about reporting companies (including the termination of such companies), beneficial owners, and applicants under the CTA?

b. Should FinCEN allow or support any mechanisms other than direct electronic filing?

c. Should FinCEN allow or support direct batch filing of required information?

d. Should there be any differences among the mechanisms used for different types of information or different types of filers?

e. Should any additional or alternative reporting system involve the collection of information from the states and Indian tribes, and if so how?

f. Should the filing mechanisms for reporting companies be different for entities that were previously exempt for one reason or another (including exempt subsidiaries and exempt grandfathered entities under section 5336(b)(2)(D) and (E)) and lose that exemption? If so how?

(15) Section 5336(b)(2)(C) requires written certifications to be filed with FinCEN by exempt pooled investment vehicles described in section 5336(a)(11)(B)(xviii) that are formed under the laws of a foreign country.

a. By what method should these certifications be filed?

b. What information should be included in these certifications?

c. Should there be a mechanism through which such filings could be made to foreign authorities and forwarded to FinCEN, or should such filings have to be made directly to FinCEN?

d. What information should be included in these certifications (*e.g.,* what information would allow authorities to follow up on certifications containing false information)?

e. Should these certifications be accessible to database users, and if so, should they be accessible on the same terms as beneficial ownership information of reporting companies?

(16) What burdens do you anticipate in connection with the new reporting requirements? Please identify any burdens with specificity, and estimate the dollar costs of these burdens if possible. How could FinCEN minimize any such burdens on reporting companies associated with the collection of beneficial ownership information in a manner that ensures the information is highly useful in

[53] 31 U.S.C. 5336(a)(11)(B)(xxiv), added by CTA Section 6403(a).

facilitating important national security, intelligence, and law enforcement activities and confirming beneficial ownership information provided to financial institutions, consistent with its statutory obligations under the CTA?

(17) Section 5336(e)(1) requires the Secretary to take reasonable steps to provide notice to persons of their reporting obligations.

a. What steps should be taken to provide such notice?

b. Should those steps include direct communications such as mailed notices, and if so to whom should notices be mailed?

c. What type of information should be included in such a notice, for example, the purposes and uses of the data, and how to access and correct the information?

d. Should the notice be followed by an explicit acknowledgement of the reporting company, or consent of the beneficial owner or applicant if the owner or applicant is submitting the information, to the handling of beneficial ownership information as stated in the notice and applicable law?

(18) Section 5336(e)(2) requires states and Indian tribes, as a condition of receiving certain funds, to have their Secretary of State or a similar office in each state or Indian tribe periodically provide notice of reporting obligations and a copy of, or internet link to, the reporting company form created by FinCEN.

a. How should this requirement be implemented?

b. What form should the notice take?

c. Should this notice be provided yearly, or on some other periodic schedule?

(19) What should reporting companies or individuals holding FinCEN identifiers be required to do to satisfy the requirement of section 5336(b)(1)(D) that they update in a timely manner the information they have submitted when it changes, such as when beneficial owners or holders of FinCEN identifiers (i) transfer substantial control to other individuals; (ii) change their legal names or their reported residential or business street addresses; or (iii) die; or (iv) when a previously acceptable identification document expires? For example, should the reporting companies or individuals be required to file a new report, or provide notice only of the information that has changed?

(20) Should reporting companies be required to affirmatively confirm the continuing accuracy of previously submitted beneficial ownership information on a periodic basis (*e.g.,* annually)? How should such confirmation be communicated to FinCEN?

(21) For those reporting companies without FinCEN identifiers, what should be considered a ''timely manner'' [54] for updating a change in beneficial ownership?

a. Should this period differ based on the type of reporting company?

b. What factors should be taken into account in determining this period?

c. How much time should reporting companies be given to update beneficial owner information upon a change of ownership?

d. What are the benefits or drawbacks of allowing a longer period to report a change of beneficial ownership?

(22) Section 5336(h)(3)(C) contains a safe harbor for persons who seek to correct previously submitted but inaccurate beneficial ownership information pursuant to FinCEN regulations. How should FinCEN's regulations define the scope of this safe harbor? Should the nature of the inaccuracy (*e.g.,* a misspelled address versus the complete omission of a beneficial owner) be relevant to the availability of the safe harbor?

(23) What steps should reporting companies be required to take to support and confirm the accuracy of beneficial ownership information?

a. Should reporting companies be required to certify the accuracy of their information when they submit it?

b. If so, what should this certification cover?

c. Should reporting companies be required to submit copies of a beneficial owner's acceptable identification document?

(24) What steps should FinCEN take to ensure that beneficial ownership information being reported is accurate and complete?

a. With respect to other BSA reports, FinCEN e-filing protocols prohibit filings from being made with certain blank fields, and automatically format certain fields to ensure that letters are not entered for numbers and vice versa, etc. The filing protocols, however, do not involve independent FinCEN verification of information filed. Should FinCEN take similar or additional steps in connection with the filing of beneficial ownership information?

b. If so, what similar or additional steps should FinCEN take?

(25) Should a reporting company be required to report information about a company's ''applicant'' or ''applicants'' (the individual or individuals who file the application to form or register a reporting company) in any report after the reporting company's initial report to FinCEN? Why or why not?

FinCEN Identifier

(26) In what situations will an individual or entity wish to use the FinCEN identifier? How can FinCEN best protect both the privacy interests underlying an individual's or entity's desire to use the FinCEN identifier, and the identifying information that must be provided to FinCEN by an individual or entity wishing to obtain and use the FinCEN identifier?

(27) What form should the FinCEN identifier take?

a. How long should it be?

b. Should it be alphabetical, numeric, or alphanumeric?

c. Should it contain embedded information such as a filing year, a geographic code, a sequential number, or numbers shared among related persons or entities, or should it be generated independently for each individual or entity?

d. Should it resemble or be derived from another identifier provided by another authority?

e. Should it resemble the document numbers of other reports filed with FinCEN under the BSA?

f. Should the form of FinCEN identifiers for individuals and legal entities be different? If so, how and why?

(28) How can FinCEN best ensure a one-to-one relationship between individuals or entities and their FinCEN identifiers, in light of the possibility that individuals and entities may mistakenly or intentionally attempt to apply for more than one FinCEN identifier? [55]

(29) How can FinCEN best protect FinCEN identifiers from being used without individuals' and entities' authorization? Should protections include specific regulatory requirements or prohibitions?

(30) As noted in the CTA, in some cases multiple companies can be layered on top of one another in complex ownership structures. Given that there may be multiple entities within an ownership structure of a reporting company that are identified by FinCEN identifiers, how can FinCEN implement the FinCEN identifier in a way that reduces the burden to financial

[54] 31 U.S.C. 5336(b)(3)(A)(ii), added by CTA Section 6403(a).

[55] For example, this could happen when different employees of the same organization, without realizing, apply independently for a FinCEN identifier, or when an individual applies more than once using identity numbers from different forms of identification mistakenly thinking it is necessary to obtain a separate FinCEN identification for each company of which the individual is a beneficial owner.

institutions of using the FinCEN database when reporting companies with complex ownership structures seek to open an account?

(31) What should the process be to obtain a FinCEN identifier?

a. a) Should the FinCEN identifier be secured by an applicant or beneficial owner prior to filing an application to form a corporation, LLC, or other similar entity under the laws of a state or Indian tribe?

b. b) How, if at all, should FinCEN verify an individual's identity before providing a FinCEN identifier?

c. c) If an applicant or beneficial owner chooses not to apply for a FinCEN identifier, should FinCEN create any limitations—in addition to those in the statutory definition of ''acceptable identification document''—on the types of unique identifying numbers that can be submitted?

Security and use of Beneficial Ownership and Applicant Information

(32) When a state, local, or tribal law enforcement agency requests beneficial ownership information pursuant to an authorization from a court of competent jurisdiction to seek the information in a criminal or civil investigation, how, if at all, should FinCEN authenticate or confirm such authorization?

(33) Should FinCEN provide a definition or criteria for determining whether a court has ''competent jurisdiction'' or has ''authorized'' such an order? If so, what definition or criteria would be appropriate?

(34) As a U.S. Government agency, FinCEN is subject to strict security and privacy laws, regulations, and other requirements that will protect the security and confidentiality of beneficial ownership and applicant information. What additional security and privacy measures should FinCEN implement to protect this information and limit its use to authorized purposes, which includes facilitating important national security, intelligence, and law enforcement activities as well as financial institutions' compliance with AML, CFT, and CDD requirements under applicable law? Would it be sufficient to make misuse of such information subject to existing penalties for violations of the BSA and FinCEN regulations, or should other protections be put in place, and if so what should they be?

(35) How can FinCEN make beneficial ownership information available to financial institutions with CDD obligations so as to make that information most useful to those financial institutions?

a. Please describe whether financial institutions should be able to use that information for other customer identification purposes, including verification of customer information program information, with the consent of the reporting company?

b. Please describe whether FinCEN should make financial institution access more efficient by permitting reporting companies to pre-authorize specific financial institutions to which such information should be made available?

c. In response to requests from financial institutions for beneficial ownership information, pursuant to 31 U.S.C. 5336(c)(2)(A), what is a reasonable period within which FinCEN should provide a response? Please also describe what specific information should be provided.

(36) How should FinCEN handle updated reporting for changes in beneficial ownership when beneficial ownership information has been previously requested by financial institutions, federal functional regulators, law enforcement, or other appropriate regulatory agencies?

a. If a requestor has previously requested and received beneficial ownership information concerning a particular legal entity, should the requester automatically receive notification from FinCEN that an update to the beneficial ownership information was subsequently submitted by the legal entity customer?

b. If so, how should this notification be provided?

c. Should a requesting entity have to opt in to receive such notification of updated reporting?

(37) One category of authorized access to beneficial ownership information from the FinCEN database involves ''a request made by a Federal functional regulator or other appropriate regulatory agency.'' [56] How should the term ''appropriate regulatory agency'' be interpreted? Should it be defined by regulation? If so, why and how?

(38) In what circumstances should applicant information be accessible on the same terms as beneficial ownership information (*i.e.,* to agencies engaged in national security, intelligence, or law enforcement; to non-federal law enforcement agencies; to federal agencies, on behalf of certain foreign requestors; to federal functional regulators or other agencies; and to financial institutions subject to CDD requirements). If financial institutions are not required to consider applicant information in connection with due diligence on a reporting company opening an account, for example, should a financial institution's terms of access to applicant information differ from the terms of its access to beneficial ownership information?

Cost, Process, Outreach, and Partnership

(39) What specific costs would CTA requirements impose—in terms of time, money, and human resources—on small businesses? Are those costs greater for certain types of small businesses than others? What specifically can FinCEN do to minimize those costs, for all small businesses or for some types in particular?

(40) Are there alternatives to a single reporting requirement for all reporting companies that could create a less costly alternative for small businesses?

(41) How can FinCEN best reach out to members of the small business community to ensure the efficiency and effectiveness of the filing process for entities subject to the requirements of the CTA?

(42) Are there other business constituencies to which FinCEN should reach out, and if so, who are they?

(43) How can FinCEN best reach out to financial institutions to ensure the efficiency and effectiveness of the process by which financial institutions could potentially access the beneficial ownership information held by FinCEN?

(44) What burdens would CTA requirements impose on state, local, and tribal governmental agencies? In particular, what additional time, money, and human resources would state, local, and tribal governments have to secure and expend—or reallocate from other duties, and if the latter what duties would be compromised or services impaired? How, if at all, would any of these burdens or allocations of time or money vary according to the size or other characteristics of a jurisdiction—would smaller jurisdictions find it easier or harder to handle the costs associated with CTA requirements?

(45) How should FinCEN minimize any burdens on state, local, and tribal governmental agencies associated with the collection of beneficial ownership information, while still achieving the purposes of the CTA?

(46) How can FinCEN best partner with state, local, and tribal governmental agencies to achieve the purposes of the CTA?

(47) How can FinCEN collect the identity information of beneficial owners through existing Federal, state, local, and tribal processes and procedures?

[56] 31 U.S.C. 5336(c)(2)(B)(iv), added by CTA Section 6403(a).

a. Would FinCEN use of such processes or procedures be practicable and appropriate?

b. Would FinCEN use of or reliance on existing processes and procedures help to lessen the costs to state, local, and tribal government agencies, or would it increase those costs?

c. Would FinCEN use of existing Federal, state, local, and tribal processes and procedures help to lessen the costs to small businesses affected by CTA requirements, or would it increase those costs?

(48) The process of forming legal entities may have ramifications that extend beyond the legal and economic consequences for legal entities themselves, and the reporting of beneficial ownership information about legal entities may have ramifications that extend beyond the effect of mobilizing such information for AML/CFT purposes. How can FinCEN best engage representatives of civil society stakeholders that may not be directly affected by a beneficial ownership information reporting rule but that are concerned for such larger ramifications?

V. Regulatory Planning and Review

This advance notice of proposed rulemaking is a significant regulatory action under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

VI. Conclusion

Implementing an effective system to identify, collect, and permit authorized uses of beneficial ownership information will strengthen U.S. national security and the integrity of the U.S. financial system, and protect people from harm. With this ANPRM, FinCEN seeks input on how FinCEN should implement such a system, consistent with the requirements of the CTA, to maximize benefits while minimizing burdens on reporting companies. FinCEN seeks input from the public on the questions set forth above, including from regulated parties; state, local, and Tribal governments; law enforcement; regulators; other consumers of BSA data; and any other interested parties. FinCEN also welcomes comments on all aspects of the ANPRM and any other aspects of implementation of the CTA. FinCEN encourages all interested parties to provide their views.

By the Department of the Treasury.

AnnaLou Tirol,

Deputy Director, Financial Crimes Enforcement Network.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0131]

RIN 1625–AA87

Security Zone; Christina River, Newport, DE

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a security zone for the protection of Very Important Persons (VIPs) as they transit by vehicle on the route 141 bridge over the Christina River near Newport, Delaware. The security zone will be enforced intermittently and only during times of a protected VIP transit over the bridge and will restrict vessel traffic while the zone is being enforced. This proposed rulemaking would prohibit persons and vessels from entering or remaining within the security zone unless authorized by the Captain of the Port Delaware Bay or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 5, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0131 using the Federal eRulemaking Portal at *https://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Jennifer Padilla, Sector Delaware Bay, Waterways Management Division, U.S. Coast Guard; telephone 215–271–4814, *Jennifer.L.Padilla@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
VIPs Very Important Persons

II. Background, Purpose, and Legal Basis

These VIP visits require the implementation of heightened security measures for protection of VIPs who may travel on the route 141 bridge over the Christina River in Newport, Delaware. Due to the roadway passing over the Christina River, this security zone is necessary to protect VIPs, the public, and the surrounding waterway. To date in the year 2021 there have been 4 requests for security zones at this location. As a result, the Coast Guard had to issue numerous temporary security zones. Continued requests for this security zone are expected through 2024.

The purpose of this proposed rulemaking is to protect the VIPs and the public from destruction, loss, or injury from sabotage, subversive acts, or other malicious or potential terrorist acts. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The Captain of the Port Delaware Bay (COTP) is proposing to establish a security zone for the protection of Very Important Persons (VIPs) as they transit by vehicle on the route 141 bridge over the Christina River near Newport, Delaware. This rule is necessary to expedite the establishment and enforcement of this security zone when short notice is provided to the COTP for VIPs traveling over the route 141 bridge. The security zone is bounded on the east by a line drawn from 39°42.55′ North Latitude (N), 075°35.88′ West Longitude (W), thence southerly to 39°42.50′ N, 075°35.87′ W proceeding from shoreline to shoreline on the Christina River in a westerly direction where it is bounded by the South James Street Bridge at 39°42.63′ N, 075°36.53 W. No vessel or person would be permitted to enter the security zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a ''significant regulatory action,'' under

Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the duration of the security zone would not significantly impact vessel traffic due to the limited amount of time it takes for the VIPs to transit over the route 141 bridge. Vessel traffic on this portion of the Christina River is typically limited to recreational traffic. When the security zone is enforced, the COTP will issue a broadcast via VHF–FM channel 16 allowing vessel traffic time to transit outside of enforcement times.

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 proposed rule would 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 IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves a security zone for the protection of Very Important Persons (VIPs) as they transit by vehicle on the route 141 bridge over the Christina River near Newport, Delaware. Normally such actions are categorically excluded from further review under paragraph L[60a] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary 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. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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.

V. Public Participation and Request for Comments

We view 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.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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 in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and public comments, will be 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 proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

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 is proposing to amend 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 § 165.560 to read as follows:

§ 165.560 Security Zone; Christina River, Newport, DE.

(a) *Location.* The following area is a security zone: All waters of the Christina River, from shoreline to shoreline bounded on the east by a line drawn from 39°42.55′ North Latitude (N), 075°35.88′ West Longitude (W), thence southerly to 39°42.50′ N, 075°35.87′ W thence along the Christina River in a westerly direction and bounded by the South James Street Bridge at 39°42.63′ N, 075°36.53 W. These coordinates are based on North American Datum 83 (NAD83).

(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 Delaware Bay (COTP) in the enforcement of the security zone.

Official Patrol Vessel means any Coast Guard, Coast Guard Auxiliary, State, or local law enforcement vessel assigned or approved by the COTP.

Very Important Person (VIP) means any person for whom the United States Secret Service requests implementation of a security zone in order to supplement protection of said person(s).

(c) *Regulations.* (1) In accordance with the general regulations contained in § 165.33, entry into or movement within this zone is prohibited unless authorized by the COTP, Sector Delaware Bay or designated representative.

(2) Only vessels or people specifically authorized by the Captain of the Port, Delaware Bay, or designated representative, may enter or remain in the regulated area. To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 13 or 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. No person may swim upon or below the surface of the water of this security zone unless authorized by the COTP or his designated representative.

(3) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with lawful direction may result in expulsion from the regulated area, citation for failure to comply, or both.

(d) *Enforcement.* This security zone will be enforced with actual notice by the U.S. Coast Guard representatives on scene, as well as other methods listed in § 165.7. The Coast Guard will enforce the security zone created by this section only when it is necessary for the protection of VIPs traveling across the route 141 bridge in Newport, Delaware. The U.S. Coast Guard may be additionally assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

Dated: March 24, 2021.

Jonathan D. Theel,

Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2021–06637 Filed 4–2–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0476; FRL–10021–53–Region 9]

Air Plan Approval; California; Antelope Valley Air Quality Management District, East Kern Air Pollution Control District, and Yolo-Solano Air Quality Management District; Combustion Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD), East Kern Air Pollution Control District (EKAPCD), and Yolo-Solano Air Quality Management District (YSAQMD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of oxides of nitrogen (NO_X) from boilers, steam generating units, process heaters, and stationary internal combustion engines. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by May 5, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2020–0476 at *https://www.regulations.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.* 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 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 *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone at (415) 972–3073 and by email at *gong.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the local air agencies, submitted by the California Air Resources Board (CARB), and the date that either a completeness determination was made, or the dates they were deemed complete by operation of law to meet the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Local action	Submitted	Completeness date
AVAQMD	1110.2	Emissions from Stationary, Non-Road and Portable Internal Combustion Engines.	Revised 09/18/2018	10/30/2018	Complete by operation of law on 04/30/2019.
EKAPCD	425.2	Boilers, Steam Generators, and Process Heaters (Oxides of Nitrogen).	Revised 01/11/2018	08/22/2018	Completeness determination on 02/11/2019.
YSAQMD	2.27	Large Boilers	Revised 05/15/2019	08/19/2019	Complete by operation of law on 02/19/2020.

B. Are there other versions of these rules?

There are no previous versions of AVAQMD Rule 1110.2 in the SIP. The AVAQMD inherited a version of Rule 1110.2 from the South Coast Air Quality Management District (SCAQMD) into their local rule book when the AVAQMD became independent from the South Coast. The AVAQMD revised this rule on May 15, 2001, and again on January 21, 2003, and the CARB submitted the 2003 version to us on April 1, 2003. We proposed a limited approval and limited disapproval on the January 21, 2003 version of the rule on April 21, 2004 (69 FR 21482), but we did not finalize that rulemaking. We have approved subsequent versions of SCAQMD Rule 1110.2 into the California SIP, but none of the versions of that rule apply to the jurisdiction of the AVAQMD.

We approved an earlier version of EKAPCD Rule 425.2 into the SIP on October 28, 1999 (64 FR 57991).

We approved an earlier version of YSAQMD Rule 2.27 into the SIP on June 17, 1997 (62 FR 32691).

C. What is the purpose of the submitted rules?

Emissions of NO_X help produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO_X emissions. The submitted rules control NO_X through requiring compliance with emission limits, work practice standards, and other operational requirements.

The EPA's technical support documents (TSDs) have more information about these rules.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each major source of NO_X in ozone nonattainment areas classified as Moderate or above (see CAA sections 182(b)(2) and (f)). The AVAQMD regulates a portion of the West Mojave Desert nonattainment area, which is classified as Severe for the 1997 8-hour national ambient air quality standard (NAAQS), 2008 8-hour NAAQS, and 2015 8-hour NAAQS. The EKAPCD regulates the Kern County (East Kern) nonattainment area, which is classified as Serious for the 2008 NAAQS, and Moderate for the 1997 and 2015 NAAQS. The YSAQMD regulates a portion of the Sacramento Metro nonattainment area, which is classified as Severe for the 1997 and 2008 NAAQS, and Moderate for the 2015 NAAQS (*See* 40 CFR 81.305 for attainment designations). Therefore, all the districts' rules must implement RACT. The EPA's determination that a jurisdiction has implemented RACT for applicable sources, including major sources of NO_X, is usually done in the context of a state's demonstration that the EPA has approved local rules in their SIP that meet all relevant CAA requirements for stringency and enforceability. This demonstration is known as a RACT SIP.

The EPA previously found that the AVAQMD failed to demonstrate adequately stringent requirements in their RACT SIPs for major sources of NO_X under the nonattainment requirements for the 2008 ozone NAAQS.[1] The AVAQMD, via the CARB, subsequently made commitments to submit new or revised regulations intended to implement RACT within one year of the EPA's final rules for the AVAQMD. The EPA cited these commitments in our conditional approvals of the AVAQMD 2008 ozone RACT SIP on October 10, 2017 (82 FR 46923). AVAQMD Rule 1110.2 was submitted in part to address a portion of the conditional approval.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,''

[1] See 40 CFR 52.248(b) for the conditional approval of the AVAQMD 2008 Ozone RACT SIP.

EPA Region 9, August 21, 2001 (the Little Bluebook).

4. ''Alternative Control Techniques Document—NO_X Emissions from Industrial/Commercial/Institutional (ICI) Boilers'' (EPA–453/R–94–022, March 1994).

5. ''Alternative Control Techniques Document—NO_X Emissions from Process Heaters (Revised),'' revised September 1993 (EPA–453/R–93–034 1993/09).

6. ''Alternative Control Techniques Document—NO_X Emissions from Stationary Reciprocating Internal Combustion Engines'' (EPA–453/R–93–032, July 1993).

B. Do the rules meet the evaluation criteria?

These rules are consistent with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. The TSDs have more information on our evaluation.

C. The EPA's Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agencies modify their rules.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until May 5, 2021. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the California air district rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. Accordingly, this proposed 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 proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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 the 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.

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

Dated: March 30, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–06928 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2021–0212, FRL–10018–33–Region 10]

Air Plan Approval; OR; Updates to Adoption by Reference of Federal Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Oregon State Implementation Plan (SIP) submitted on January 29, 2021. The revision updates the date by which Federal provisions are adopted by reference into the Oregon SIP, making air quality requirements more current.

DATES: Comments must be received on or before May 5, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2021–0212, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *https://www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kristin Hall, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101,

at (206) 553–6357 or *hall.kristin@epa.gov.*

SUPPLEMENTARY INFORMATION:
Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, it means the EPA.

Table of Contents

I. Background

A. State Implementation Plan

Each state has a State Implementation Plan (SIP) containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS) established by the EPA for the criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, sulfur dioxide). The SIP must meet the requirements of CAA section 110 and revisions to the SIP must be submitted to and approved by the EPA.

The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, attainment demonstrations, and enforcement mechanisms. The SIP is a living compilation of these elements and is revised and updated by the State over time—to keep pace with Federal requirements and to address changing air quality issues in the State. The Oregon SIP is codified in the Code of Federal Regulations (CFR) at 40 CFR part 52, subpart MM. Oregon routinely revises the SIP and submits the changes to the EPA for approval.

II. Evaluation of Submission

On January 29, 2021, the Oregon Department of Environmental Quality submitted a SIP revision to the EPA for approval. The revision, State effective January 21, 2021, updates the adoption by reference of Federal requirements used throughout the Oregon air quality rules. Oregon's air quality rules are codified in Divisions 200 through 268 of Chapter 340 of the Oregon Administrative Rules (OAR).

Specifically, Oregon revised OAR 340–200–0035 and OAR 340–244–0030 to state that all references to the CFR are updated from July 1, 2018 to July 1, 2020. We propose to approve the submitted change to OAR 340–200–0035 because it serves to bring the Oregon SIP up-to-date and is consistent with CAA section 110 requirements. For the same reasons, we propose to approve the change to OAR 340–244–0030, except that, consistent with our prior action on October 27, 2015, we propose to approve it only to the extent needed to implement the requirements for gasoline dispensing facilities in Division 244 that are approved into the SIP for the purposes of regulating VOC emissions (80 FR 65655). Similarly, we propose to clarify our approval of Division 244 into the Oregon SIP, codified at 40 CFR 52.1970(c), by revising footnote 3 in Table 2 to read, ''The EPA approves Division 244 only to the extent needed to implement the requirements for gasoline dispensing facilities that are approved into the SIP for the purpose of regulating VOC emissions.'' This language is consistent with our October 27, 2015 action (80 FR 65655).

III. Proposed Action

The EPA is proposing to approve, and incorporate by reference, revisions to the Oregon SIP submitted on January 29, 2021. Upon final approval, the Oregon SIP will include the following regulations, State effective January 21, 2021:

- OAR 340–200–0035, Reference Materials; and
- OAR 340–244–0030, General Provisions for Stationary Sources: Definitions, only to the extent needed to implement the requirements for gasoline dispensing facilities in Division 244 that are approved into the SIP for the purposes of regulating VOC emissions.

IV. Incorporation by Reference

In this document, the EPA is proposing to include in a final rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the provisions described in Section III of this document. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. 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, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 the requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not apply on any Indian reservation land or in any other area in Oregon where the 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 30, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–06924 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2021–0255; FRL 10022–33–OW]

RIN 2040–AF15

Lead and Copper Rule (LCRR) Virtual Engagements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of events; request for public comment.

SUMMARY: The Environmental Protection Agency (EPA) will host virtual engagements beginning in April 2021. The goal of the events is to obtain further public input on EPA's revision to the Lead and Copper rule (LCRR), particularly from individuals and communities that are most at-risk of exposure to lead in drinking water. For more information on each event, visit EPA's drinking water website: *www.epa.gov/safewater*. For more information, go to the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: Public listening sessions will be held on April 28, 2021 and May 5, 2021, from 10 a.m. to 10 p.m., eastern daylight time. Should additional dates and times be required, EPA will provide updates on our website: *www.epa.gov/safewater*. If you are unable to attend any of the events, you will be able to submit comments at *http://www.regulations.gov:* enter Docket ID No. EPA–HQ–OW–2021–0255 until June 30, 2021.

EPA will host virtual community-focused roundtables starting in May 2021. Virtual roundtables with stakeholder groups including drinking water utilities, environmental organizations, environmental justice organizations, public health organizations, and consumer associations will be held starting in June 2021. EPA also intends to host a national co-regulator meeting in July 2021 to discuss the feedback received from communities. Details and times for these engagements will be posted on EPA's drinking water website at: *www.epa.gov/safewater*.

ADDRESSES: Individuals, including those that attend and provide oral statements, are encouraged to send written statements, identified by Docket ID EPA–HQ–OW–2021–0255, by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OW–2021–0255 for this EPA engagements. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Christina Wadlington, USEPA, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–566–1859; email address: *LCRR@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Written Comments—No.

B. Submit your comments, identified by Docket ID EPA–HQ–OW–2021–0255, at *https://www.regulations.gov*. Once submitted, comments cannot be edited or removed from the docket. 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. 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 the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

C. Details about Participating in the Listening Session:

The public is invited to speak during the April 28, 2021 or May 5, 2021 listening sessions. Those interested in speaking can sign up for a 3-minute time slot on EPA's website at *https://www.epa.gov/safewater*. EPA will send an email to each speaker to confirm their speaking time and date. EPA intends to make each session available for viewing to those who are not participating but are interested in listening. EPA will be posting additional event details on *www.epa.gov/safewater,* as they become available.

D. Details about Participating in the Community Roundtable:

EPA intends to host community virtual roundtables during which local organizations can participate in a discussion of LCRR related topics and provide their unique perspective to EPA. These roundtables will focus on communities that are disproportionately impacted by the challenges of lead in drinking water. EPA requests that communities that would like to be considered for a roundtable submit their nomination letter to EPA via email to *LCRR@epa.gov* not later than April 23, 2021. Nomination letters should include the following information:

- Name of location,
- Primary point of contact and contact information,
- A description of how your community has been underserved or experienced disproportionate impacts from drinking water lead exposure, and
- A list of no more than 25 recommended community participants and/or local organizations.

EPA recommends that the list of participants/organizations that are submitted be representative of all interests in their community including, but not limited to, local government entities, public water utilities, community-organized groups, environmental groups and elected officials. EPA intends to make each roundtable available for viewing to those who are not participating but are interested in listening. EPA will be posting meeting materials and additional event details on *www.epa.gov/safewater,* as they become available.

E. Details about Participating in Stakeholder Roundtables:

EPA intends to host stakeholder roundtables where representatives of national organizations (*e.g.,* environmental, industry, consumer, intergovernmental) can participate in a discussion of LCRR related topics and provide their perspective to the Agency. EPA requests that organizations that would like to participate in a roundtable submit their nomination letter to EPA via email to *LCRR@epa.gov* not later than April 23, 2021. Nomination letters should include the following information:

- Name of organization,
- Primary point of contact and contact information, and
- Why your organization should be considered as a participant.

EPA intends to make each roundtable available for viewing to those who are not participating but are interested in listening. EPA will be posting meeting materials and additional event details on *www.epa.gov/safewater,* as they become available.

F. Details of National Co-Regulator Meeting:

EPA will be reaching out directly to primacy agencies (*e.g.,* states, tribes, territories) with a specific date, time, and details of this meeting in the coming months. EPA will be posting meeting materials and additional event details on *www.epa.gov/safewater,* as they become available.

II. Revised LCR Extension

On March 12, 2021, EPA announced that it is extending the effective date of the Revised Lead and Copper Rule (LCRR) so that the agency can seek further public input, particularly from communities that are most at-risk of exposure to lead in drinking water. To accomplish this goal, EPA published in the **Federal Register** two rules regarding the revised LCR as follows: Final Rule delay of effective date (86 FR 14003, March 12, 2021); and Proposed Rule delay of effective and compliance dates (86 FR 14063, March 12, 2021).

The first is a final rule that announced an extension of the effective date for the revised LCR from March 16, 2021 until June 17, 2021. The purpose of this initial extension of the effective date is to enable EPA to take public comment on a second action that would provide a longer extension of the effective date to allow EPA to undertake its review of the rule in a deliberate and thorough manner, consistent with the public health purposes of the Safe Drinking Water Act, President Biden's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, the President's Chief of Staff's Regulatory Freeze Pending Review Memorandum, and in consultation with affected stakeholders. The second action is a proposed rulemaking to extend the effective date until December 16, 2021, and also proposes a corresponding extension of the revised LCR's compliance deadline to September 16, 2024. This action would provide time for EPA to complete its review and obtain additional stakeholder input but would also ensure that drinking water systems and primacy states continue to have adequate time as provided by the Safe Drinking Water Act to take actions needed to assure regulatory compliance. The request for public comment on these extensions, which closes on April 12, is separate from the stakeholder meetings EPA is announcing in this action.

Yu-Ting Guilaran,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 2021–06926 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R09–RCRA–2021–0047; FRL–10021–21–Region 9]

Nevada: Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Nevada has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes correspond to certain federal rules promulgated between July 1, 2008 and July 1, 2018. EPA has reviewed Nevada's application with regard to federal requirements and is proposing to authorize the state's changes.

DATES: Comments on this proposed rule must be received by May 5, 2021.

ADDRESSES: All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available either electronically in *www.regulations.gov,* or in hard copy. You can view and copy Nevada's application and associated publicly available materials at the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 901 So. Stewart Street, Ste. 4001, Carson City, NV 89701 (phone number: 775–687–4670), during business hours from 9 a.m. to 5 p.m. Monday through Friday. Interested persons wanting to examine these documents should make an appointment at least 24 hours in advance.

Instructions: Submit your comments, identified by Docket ID No. EPA–R09–RCRA–2021–0047, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* 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). The *http://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Sorcha Vaughan, *Vaughan.Sorcha@epa.gov,* 415–947–4217

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States that have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

New federal requirements and prohibitions imposed by federal regulations that EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time that they take effect in

unauthorized states. Thus, EPA will implement those requirements and prohibitions in Nevada, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

B. What decisions has EPA made in this rule?

EPA concludes that Nevada's application to revise its authorized program meets all statutory and regulatory requirements established by RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA proposes to grant Nevada final authorization to operate as part of its hazardous waste program the changes listed below in Section F of this document, as further described in the authorization application.

Nevada has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA, as discussed above.

C. What is the effect of this proposed authorization decision?

If Nevada is authorized for the changes described in its authorization application, the changes will become part of the authorized state hazardous waste program, and therefore will be federally enforceable. Nevada will continue to have primary enforcement authority and responsibility for its state hazardous waste program. EPA retains its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements, including authorized state program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the state has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Nevada is being authorized by this action are already effective and are not changed by this action.

D. What happens if EPA receives comments that oppose this proposed action?

EPA will consider all comments received during the comment period and address all such comments in a final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What has Nevada previously been authorized for?

Nevada initially received final authorization on August 19, 1985, effective November 1, 1985 (50 FR 42181) to implement the RCRA hazardous waste management program. Nevada has since received authorization for all revisions except for 40 CFR 260.22 and the final rule published on April 12, 1989 (61 FR 16289) addressing Imports and Exports of Hazardous Waste. EPA granted authorization for changes to Nevada's program on the following dates: April 29, 1992, effective June 29, 1992 (57 FR 18083); May 27, 1994 and June 23, 1994 (corrections), effective July 26, 1994 (59 FR 27472 and 59 FR 32489); April 11, 1995, effective June 12, 1995 (60 FR 18358); June 24, 1996, effective August 23, 1996 (61 FR 32345); January 29, 1999, effective March 30, 1999 (64 FR 4596); June 12, 2002, effective August 12, 2002 (67 FR 40229); February 26, 2009, effective April 27, 2009 (74 FR 8757); and March 23, 2016, effective June 6, 2016 (81 FR 35641).

F. What changes is EPA proposing with this action?

Nevada submitted a final complete program revision application to EPA dated January 8, 2021, seeking authorization of changes to its hazardous waste program that correspond to certain federal rules promulgated between July 1, 2008 and July 1, 2018 (Checklists 219, 222, 223, 225, 227–229, 231–233C, 234, and 236–239). EPA proposes to determine, subject to receipt of written comments that oppose this action, that Nevada's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the federal program, and therefore satisfy all the requirements necessary to qualify for authorization. Nevada adopts by reference the federal RCRA regulations in effect as of July 1, 2018, at Nevada Administrative Code (NAC) 444.8632, as adopted in LCB File R084–19, effective August 25, 2020. The federal requirements for which the State is being authorized are as follows:

Description of federal requirement and checklist number	**Federal Register** volume, page and date	Analogous state authority
Revisions to DSW Rule (219)	73 FR 64668–64788 (10/30/2008)	NAC 444.8632.
OECD Requirements; Export Shipments of Spent Lead-Acid Batteries (222).	75 FR 1236–1262 (1/8/2010)	NAC 444.8632.
Technical Corrections/Clarifications (223)	75 FR 12989–13009 (3/18/2010), 75 FR 31716–31717 (6/4/2010).	NAC 444.8632.
Removal of Saccharin and its Salts from the list of HW (225).	75 FR 78918–78926 (12/17/2010)	NAC 444.8632.
Revisions to Treatment Standards of Carbamate Wastes (227).	76 FR 34147–34157 (6/13/2011)	NAC 444.8632.
Technical Correction/Clarification (228)	77 FR 22229–22232 (4/13/2012)	NAC 444.8632.
Conditional Exclusions for Solvent Contaminated Wipes (229).	78 FR 46448–46485 (7/31/2013)	NAC 444.8632.
Hazardous Waste Electronic Manifest System (231).	79 FR 7518–7563 (2/7/2014)	NAC 444.8632, NAC 444.8655, NAC 444.8666.
Revisions to Export Provisions of the Cathode Ray Tube (CRT) Rule (232).	79 FR 36220–36231 (6/26/2014)	NAC 444.8632, NAC 444.8633.
Revision to DSW Rule—Non-waste determinations and variances (233 A).	80 FR 1694–1814 (1/13/2015)	NAC 444.8632.
Revision to DSW Rule—Legitimacy related provisions (233 B).	80 FR 1694–1814 (1/13/2015)	NAC 444.8632.
Revision to DSW Rule—Speculative Accumulation (233 C).	80 FR 1694–1814 (1/13/2015)	NAC 444.8632.
Vacatur of Comparable Fuels and Gasification (234).	80 FR 18777–18780 (4/8/2015)	NAC 444.8632.

Description of federal requirement and checklist number	**Federal Register** volume, page and date	Analogous state authority
Imports and Exports of Hazardous Waste (236)	81 FR 85696–85729 (11/28/2016), 82 FR 41015–41016 (8/29/2017).	NAC 444.8632, NAC 444.8633.
Generator Improvements Rule (237)	81 FR 85732–85829 (11/28/2016)	NAC 444.8632, NAC 444.6665, NAC 444.735, NAC 444.850, NAC 444.8677, NAC 444.8681.
Confidentiality Determinations for Hazardous Waste Export and Import Documents (238).	82 FR 60894–60901 (12/26/2017)	NAC 444.8632.
Electronic Manifest System User Fee (239)	83 FR 420–462 (1/3/2018)	NAC 444.8632.

G. How are the revised state rules different from the federal rules?

More Stringent: Nevada did not adopt several optional provisions that are less stringent than existing Nevada rules, resulting in Nevada having a more stringent hazardous waste program. The provisions that Nevada did not adopt are:

- 40 CFR 261.4(a)(23): Generator Controlled Exclusion (Definition of Solid Waste Rule)
- 40 CFR 261.4(a)(24–25): Transfer-Based Exclusion (Definition of Solid Waste Rule)
- 40 CFR 261.4(a)(27): Remanufacturing Exclusion (Definition of Solid Waste Rule)
- Part 262 Subpart K: Academic Laboratory Generator Standards
- 40 CFR 261.4(h): Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration
- 40 CFR 261.4(b)(4): Disposal of Coal Combustion Residuals from Electric Utilities

Nondelegable Rules: EPA cannot delegate the federal requirements in 40 CFR 261.41 contained in the Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule set forth in 79 FR 36220, the federal requirements contained in the Imports and Exports of Hazardous Waste rule set forth in 81 FR 85696, and the federal requirements in 40 CFR 260.2(d) contained in the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule set forth in 82 FR 60894. While Nevada adopted these requirements by reference in NAC 444.8632, EPA will continue to implement these requirements.

Variances and Determinations: Nevada adopted 40 CFR 260.30, but EPA retains any authority to grant any variance from the regulations. Nevada adopted 40 CFR 260.34 but non-waste determinations must be made by the EPA.

Other than the differences discussed above, Nevada incorporates by reference the remaining federal rules listed in Section F, so there are no significant differences between the remaining federal rules and the revised state rules being authorized today.

H. Who handles permits after the authorization takes effect?

Nevada will issue permits for all the provisions for which it is authorized and will administer the permits it issues. Section 3006(g)(1) of RCRA, 42 U.S.C. 6926(g)(1), gives EPA the authority to issue or deny permits or parts of permits for requirements for which the State is not authorized. Therefore, whenever EPA adopts standards under HSWA for activities or wastes not currently covered by the authorized program, EPA may process RCRA permits in Nevada for the new or revised HSWA standards until Nevada has received final authorization for such new or revised HSWA standards. EPA and Nevada have agreed to a joint permitting process for facilities covered by both the authorized program and standards under HSWA for which the State is not yet authorized, and for handling existing EPA permits after the State receives authorization.

I. How does this action affect Indian country (18 U.S.C. 1151) in Nevada?

Nevada is not authorized to carry out its hazardous waste program in Indian country within the State. Therefore, this action has no effect on Indian country. EPA retains jurisdiction over Indian country and will continue to implement and administer the RCRA program on these lands.

J. What is codification and is EPA codifying Nevada's hazardous waste program as authorized in this rule?

Codification is the process of placing the state's statutes and regulations that comprise the state's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by referencing the authorized state rules in 40 CFR part 272. EPA is not codifying the authorization of Nevada's changes at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart DD for this authorization of Nevada's program changes.

K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action proposes to authorize State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action proposes to authorize pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to authorize State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply,

Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 do not apply. See 15 U.S.C. 272 note, sec. 12(d)(3), Pub. L. 104–113, 110 Stat. 783 (Mar. 7, 1996) (exempting compliance with the NTTAA's requirement to use VCS if compliance is ''inconsistent with applicable law''). As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in proposing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this action proposes authorization of pre-existing State rules which are at least equivalent to, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, this proposed rule is not subject to Executive Order 12898.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: March 23, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–06592 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[GN Docket No. 21–79; FCC 21–30; FRS 17571]

Implementing the Privacy Act of 1974

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on revisions to the Commission's rules implementing the Privacy Act of 1974. To evolve with developments in the law and the directives from governmental bodies, the Commission proposes to update and improve its privacy rules.

DATES: Comments due on May 5, 2021; reply comments due on June 4, 2021.

ADDRESSES: You may submit comments, identified by GN Docket No 21–79, by any of the following methods:

- *Federal Communications Commission's Website: https://www.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

FOR FURTHER INFORMATION CONTACT: Bahareh Moradi, Office of General Counsel, at *Bahareh.Moradi@fcc.gov* or 202–418–1700.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in GN Docket No. 21–79; FCC 21–30, adopted on March 3, 2021, and released on March 4, 2021. The complete text of this document can be located on the FCC website at *https://docs.fcc.gov/public/attachments/FCC-21-30A1.pdf.*

Synopsis

1. We propose revisions to the current rules to reflect amendments to the Privacy Act, Federal case law, OMB guidance, and the FCC's current practices. Most notably, we propose amendments to our rules that will update them to account for the developments described above. Because these changes are scattered throughout our current Privacy Act rules, we proceed to discuss each change in this section in the order that the change appears in our revised rules.

A. Section 0.551—Purpose and Scope: Definitions

2. We first propose several updates to the purpose and definition provisions of the Commission's Privacy Act Rules, which are currently codified in § 0.551. The current text states, in part, that the purpose of the subpart is to implement the Privacy Act, and ''to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records.'' To clarify our rules, we propose a more concrete and descriptive statement of purpose. Our proposed amendment would explain that the purpose of the subpart is to establish procedures that individuals may follow to exercise their right to access and request amendment of their records under the Privacy Act.

3. We also propose several updates to § 0.551(b), which defines the terms ''Individual,'' ''Record,'' ''System of Records,'' ''Routine Use,'' and ''System Manager.'' We propose to amend the definition of ''System of Records,'' which is currently defined as ''a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual,'' to add the word ''any'' before ''records under the control of the Commission.'' In addition to more closely matching the statutory language, we believe that this change may better signal to the public the broad category of records that requesters may seek.

4. Current rules define ''System Manager'' as ''the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.'' To conform this definition with the Commission's current practices and terminology, we

propose to replace the term with ''Privacy Analyst.'' Under current practices, all Privacy Act requests submitted to the FCC are handled in the first instance by a Privacy Analyst in the Office of General Counsel, rather than by the managers or owners of any particular system of records. A Privacy Analyst coordinates with the system owner to search for, collect, and then produce responsive records. The Privacy Analyst serves as the interface between Privacy Act requesters and the Commission, and generally signs correspondence related to Privacy Act requests. Our proposed amendment would formalize that role in our rules, defining the ''Privacy Analyst'' as a Commission official responsible for processing and responding to requests by individuals to be notified of, to access, or to amend records pertaining to them that are maintained in the FCC's systems of records.

5. Finally, we propose adding a new paragraph defining the position of the Commission's Senior Agency Official for Privacy. Following a requirement that became law as part of the Consolidated Appropriations Act of 2005, OMB required agencies to identify to OMB ''the senior official who has the overall agency-wide responsibility for information privacy issues.'' Following Executive Order 13719, OMB updated and broadened the responsibilities of the Senior Agency Official for Privacy in 2016 guidance. Consistent with this requirement, the FCC has designated a Senior Agency Official for Privacy since 2005. We seek comment on these definitional changes.

B. Sections 0.552—Notices Identifying Commission Systems of Records and 0.553—New Uses of Information

6. We next propose to update and streamline the Commission's rule requiring the publication of a ''system of records notice'' and the Commission's rule about the publication of each new routine use of an existing system of records. Our proposals reflect guidance issued by OMB following the passage of the Privacy Act, and streamline the rules in a manner that provides the Commission greater flexibility to adjust its practices consistent with evolving governmentwide practice, while still ensuring that the Commission adheres to the Privacy Act's requirement that the Commission notify the public of the establishment of and updates to its systems of records.

7. The current rule under § 0.552 explains how the Commission complies with the Privacy Act's requirement that agencies publish ''a notice of the existence and character'' of their systems of records. The rule recites the statutorily required elements of such a notice, including the routine uses for the information within the system of records, as well as the Act's requirement that an agency publish notices in the **Federal Register**. We note that the Act does not require agencies to issue rules parroting the statutory requirement, as the Commission's current rule does, and that OMB has since updated guidance further clarifying the elements required in a system of records notice, including the enumerated routine uses. For example, OMB guidance requires federal agencies to follow specific templates for new, modified, or rescinded systems of records notices that our outdated rules do not describe.

8. Section 0.553 of the rules describes the procedure the Commission follows to publish a new routine use of an existing system of records. Under the Act, an agency can define certain ''routine use[s]'' of information such that disclosure of a record may be made without the consent of the data subject. To be permissible, a routine use must be compatible with the purpose for which a record was collected, and must be published in a system of records notice with a 30-day comment period. The current Commission rule contemplates publishing a standalone notice of only the new routine use, rather than republishing the entire notice along with a description of the routine use. In current practice, however, when the Commission makes significant changes to its published system of records notices (such as adding one or more routine uses), it re-publishes for comment the entire notice, not just the revised portion containing the changes, and highlights the changes so that they may easily be recognized by the public. This makes it easier for the public to understand what changes the Commission is taking. This approach is also consistent with current OMB guidance; in Circular A–108, agencies are ''strongly encouraged to publish all routine uses applicable to a system of records in a single **Federal Register** notice for that system.''

9. Because OMB's updated guidance seems to make stale the procedures recited in our rules, and because it is unnecessary for the Commission to codify these statutory requirements, we propose to combine these two sections into a single rule stating simply that upon establishment, rescission, or revision of a system of records, including the establishment of a new routine use of a system of records, the Commission will publish in the **Federal Register** the notice required by 5 U.S.C. 552a(e). The proposed rule would therefore alert the public to the existence of system of records notices but would not prescribe the elements of a notice. At best, codifying a description of the requirements of a notice that may become outdated or incomplete seems to be unnecessary under the Privacy Act, and to otherwise serve little purpose, given that the obligation to publish these notices rests on the Commission, and not the public. At worst, codifying these requirements is misleading, insofar as governmentwide guidance on the required elements of a system of records notice may evolve more quickly than the Commission's rules reciting these requirements. We seek comment on this proposal. Is there any utility to retaining the detail regarding system of records notices included in the current text of our rules that outweigh the arguments for streamlining? Alternatively, would a better approach be to delete and reserve §§ 0.552 and 0.553 entirely?

C. Section 0.554—Requests for Notification of and Access to Records

10. We propose several changes to the Commission's Privacy Act rules describing the process individuals should follow to determine whether the Commission is holding information about them in its systems of records. To begin with, we propose to amend the title of this section from the current ''Procedures for requests pertaining to individual records in a system of records,'' to ''Requests for notification of and access to records.'' The proposed amended title of the section would more clearly signify that the procedures in this subsection effectuate individuals' ability to ascertain what information the Commission possesses about themselves, a right they are given in subsection (d)(1) of the Act. We also propose deleting obsolete references to the annual report agencies were required to publish under the original Privacy Act law and to an alphabetical listing of agency system of records notices.

11. Under current Commission practice, all requests are routed to a Privacy Analyst, who directs requesters to the list of system of records notices on the Commission's website in the event that the request does not identify the relevant system(s) of records.[1] We propose adding a sentence clarifying that a proper request must identify the system(s) of records to be searched.

[1] A complete listing of the systems of records the Commission currently maintains can be found on the FCC's Privacy Act Information web page, *https://www.fcc.gov/general/privacy-act-information.*

12. We also propose modifying how an individual may verify their identity when requesting access to records. Currently, paragraph (b)(1) requires an individual requesting access to records to verify their identity by submitting two of the following forms of identification: Social Security card; driver's license; employee identification card; Medicare card; birth certificate; bank credit card; or similar form of identification. This requirement seems inconsistent with recent OMB guidance explaining that while ''agencies may customize the [personally identifiable information (PII)] required by their access and consent forms [to verify identity for access to or consent to disclose records] in accordance with applicable law and policy requirements and assessment of privacy risks,'' ''agencies shall accept [access or consent forms [developed by OMB] from individuals,'' and ''limit the collection of PII to the minimum that is directly relevant and necessary.'' Therefore, we seek comment on deleting the requirement for requesters to provide two forms of identification and allowing individuals to verify their identity by submitting an Identity Affirmation form, based on the template provided by OMB. The Privacy Analyst reviewing the request would be responsible for determining whether the form has been properly completed before any disclosure is made. Would relying on an Identity Affirmation form increase the risk of fraudulent requests? We note that the Commission could safeguard against such fraud, while minimizing the Commission's collection of PII, by requiring that the Identify Affirmation form be notarized. We request comment on requiring that the Identity Affirmation form be notarized in lieu of the Commission collecting identification documentation from requesters.

13. We also propose making the Privacy Act request submission process consistent with the submission process established in the Commission's most recent revision of the Freedom of Information Act (FOIA) rules. In current practice, the Commission receives almost all of its Privacy Act requests through its FOIAOnline web portal. Both Congress and Federal courts have acknowledged that the access provisions of the FOIA and the Privacy Act are somewhat overlapping. Congress amended subsection (t) of the Privacy Act in 1984 to clarify that agencies cannot use FOIA exemptions to deny access to records requesters have access to under the Privacy Act, or vice versa. Likewise, DOJ published a comprehensive analysis of the legislative history and judicial precedent on this question, which concluded that ''[a]n individual's access request for his own record maintained in a system of records should be processed under *both* the Privacy Act and the FOIA, regardless of the statute(s) cited.'' We find persuasive DOJ's Privacy Act analysis, and believe that a best practice would be to structure our process to ensure that any requester can efficiently get the benefits of both statutes. For example, it may be appropriate to process parts of a request under the Privacy Act and parts of it under the FOIA. We seek comment on this interpretation.

14. Finally, we propose updates to paragraphs (c) and (d) of this section. Paragraph (c) currently requires individuals to deliver their requests for notification and access to a specific system manager or to the Associate Managing Director. Our proposed amendments to paragraph (a) would make this requirement obsolete by permitting individuals to submit requests via the Commission's website, by email, or by mail to the Commission. We propose removing the option to hand deliver requests for access to the Commission because the Commission's new headquarters building does not have a public filing window and cannot accept hand deliveries. Therefore, we propose combining current paragraphs (c) and (d) and removing reference to the method through which individuals submit requests.

D. Section 0.555—Disclosure of Record Information to Individuals

15. We propose making changes to § 0.555 to reflect current Commission practices. The current rule describes how individuals can access the records that the Commission maintains about them in its systems of records. It also lists reasons why the Commission might limit this access and describes how individuals may contest a Commission decision to deny their access to records.

16. While most individuals currently seek to access their records remotely through correspondence—whether electronically or via first-class mail—they still have a right to review records in person. The current rules urge individuals to make an appointment with the specific system manager responsible for the system of records they are interested in reviewing. The proposed new rules would create a single point of contact for requesters who would like to inspect their records in person by stating that individuals who wish to review their records should contact the Privacy Analyst. The proposed changes also include modifying paragraph (a)(1) to correct a grammatical error and conform the language to subsection (d)(1) of the Privacy Act, which specifies who may accompany individuals to view records. Specifically, the proposed language, ''However, in such cases, the individual must provide written consent authorizing discussion of their record in the accompanying person's presence,'' would replace the seemingly incomplete sentence currently in (a)(1), ''However, in such cases, a written statement authorizing discussion of their record in the presence of a Commission representative having physical custody of the records.''

17. Paragraph (b)(1) provides the Commission discretion to limit access to medical records where the Commission staff, in consultation with a medical professional, has determined that access to the records could have an adverse impact on the individual. But with very limited exceptions, FCC systems of records do not contain personal health information. Therefore, we propose deleting the medical records provision (paragraph (b)(1)). In addition, a 1993 D.C. Circuit case invalidated a similar provision on the ground that it effectively created a new substantive exemption to an individual's Privacy Act right of access.

18. Paragraph (b)(2) discusses exempting classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for Federal employment or access to classified information, and certain testing or examination material from disclosure and refers to § 0.561, which lists the Commission's exempt systems of records. Here, we propose a limited edit that would replace the current general reference to the Privacy Act with a specific cite to subsections (j) and (k) of the Privacy Act, upon which the Commission's authority to make ''specific'' or ''general'' exemptions for certain types of sensitive information is based.[2] We also propose to strike some

[2] In order to promote accountability in agencies' use of these exemptions, the Act requires agencies claiming either subsection (j) or subsection (k) exemptions for a particular system of records to do so through notice-and-comment rulemaking. 5 U.S.C. 552a(j), (k) (requiring that exemption rules must be promulgated ''in accordance with the requirements (including general notice) of section 553(b)(1), (2), and (3), (c), and (e) of this title''). Both subsections require agencies to explain, in their APA-required general statements, ''the reasons why the system of records is to be exempted from a provision of this section.'' *Id.; see* Office of Mgmt. & Budget, Privacy Act and Implementation, Guidelines and Responsibilities, 40 FR 28949,

Continued

seemingly extraneous phrases from the final sentence of this paragraph—for example, by removing the unnecessary phrase ''totally or partially.''

19. Paragraph (c) states that ''requests involving more than 25 pages shall be submitted to the duplicating contractor.'' While the Commission has never charged a fee for the search and review time for responsive records, the Commission has charged fees for copying responsive records that exceeded 25 pages. Because the Commission no longer employs a copying contractor, we propose eliminating the reference in paragraph (c). At the same time, we propose to make clear, consistent with the Privacy Act's prohibition on charging fees for searching for and reviewing records in response to a Privacy Act request, that we will not charge a fee for such activities in connection with records requested pursuant to § 0.554. However, we seek comment on whether the Commission should charge fees for producing copies of records. What is a reasonable fee structure for producing copies of records in response to a Privacy Act request?

20. Finally, we propose amending paragraph (e) to modify the procedures under which requesters may contest an initial staff decision denying them access to records. The Privacy Act does not specify an administrative appeal process in the case of a denial of access. The Commission addressed this silence in 1975 with a rule (paragraph 0.555(e)) that gave unsatisfied requesters the option of (1) seeking an administrative review from the system manager who denied the initial access request, or (2) immediately seeking judicial relief under the Privacy Act. This rule appears to be inconsistent with court rulings holding that requesters should exhaust their administrative remedies before filing suit under the Act. Further, it appears to conflict with the Communications Act's requirement that the filing of an application for review to the Commission is ''a condition precedent for judicial review'' of any decision made by staff.

21. To address these problems, we propose an administrative review process that would treat denials of requests to access or amend a record under the Privacy Act in the same way the Commission treats other appeals of decisions made under delegated authority. Specifically, the proposed rules would explain that an aggrieved requester may file a petition for reconsideration to the Senior Agency Official for Privacy or file an application for review before the Commission pursuant to the procedures specified in § 0.557. While a requester would retain the option of seeking further review by Commission staff (in the form of a petition for reconsideration), the alternative would be to file an application for review under the Commission's existing procedures.

22. Our proposal would strike what is now paragraph (e)(2) from § 0.555, which currently provides that an individual whose request for access has been denied may ''[s]eek judicial relief in the district courts of the United States pursuant to paragraph (g)(1)(B) of the Act.'' Instead of suggesting that an aggrieved requester could immediately seek judicial review, the proposed revisions make clear that a requester has two options: Seek further review by Commission staff (in the form of a petition for reconsideration), or file an application for review under the Commission's existing procedures. Only after the Commission has been given the opportunity to review a staff decision—through the filing of an application for review pursuant to our proposed revision to § 0.557, discussed below—would judicial review become available. We seek comment on whether this approach to managing appeals to denials of access is both practical and consistent with the rights individuals have under the Privacy Act.

E. Section 0.556—Request To Correct or Amend Records

23. We propose to amend § 0.556 of the Commission's rules to clarify the requester's procedural rights when a request to amend a record is denied. This section of the rules implements the Act's requirement that individuals be able to request amendments or corrections to records an agency maintains about them in a system of records. The Act requires agencies to promptly respond to such requests and to give individuals the ability to appeal a denial of an amendment request. Individuals may place statements of disagreement with such decisions in their records, and the statements must be included in subsequent agency disclosures of the records.

24. Throughout § 0.556, the system manager is referred to as the decision maker on requests to correct or amend records and requests to amend certain types of records (*e.g.,* official personnel records of current or former employees) are required to be submitted to an Associate Managing Director and the Assistant Director for Work Force Information, Compliance and Investigations at the Office of Personnel Management. The amendments we propose to this subsection would streamline the process for requesters by directing all requests to correct or amend to the Privacy Analyst and centralizing the decision making process. Just as in the case of access requests, this would reflect current practice, in which these requests are received and processed by the Privacy Analyst, who works with relevant Commission staff to locate the disputed records and consider the requests.

25. Paragraph (a) permits individuals to request an amendment of information contained in their record by submitting (1) identity verification, (2) a brief description of the information to be amended, and (3) ''the reason for the requested change.'' We propose to more closely mirror the statutory language, which permits requests to correct or amend information that ''the individual believes is not accurate, relevant, timely, or complete.'' We tentatively find that the statutory language more precisely explains the reasons for which individuals may request correction or amendment of records and therefore propose adding this language to paragraphs (a) and (b). Additionally, we propose removing the option to hand deliver requests to correct or amend records to the Commission for the reason stated above—the Commission's new headquarters building does not have a public filing window and cannot accept hand deliveries.

26. Finally, the current paragraph (c)(2) provides, among other things, that the ''system manager'' advise an individual whose request to correct or amend a record has been denied that ''review of the initial decision by the full Commission may be sought pursuant to the procedures set forth in § 0.557.'' These rules could be read to suggest that an aggrieved requester must appeal directly to the Commission, rather than seeking reconsideration of the denial at the staff level under the Commission's ordinary procedures. In order to clarify the procedural rights the requester has under the FCC's rules, we propose adding language in a new paragraph (d)(2) that requires the Privacy Analyst to inform requesters that they have the right to seek reconsideration by the Senior Agency Official for Privacy or file an application with the Commission for review of a denial of a request to amend a record. This addition would match the description of the appeals process proposed for § 0.555(e), harmonizing both processes and making each more clearly consistent with the ordinary process for seeking review of staff-level actions under the Commission's rules.

28971 (July 9, 1975) (reviewing legislative history of the exemption provisions).

F. Section 0.557—Administrative Review of an Initial Decision Not To Provide Access or Amend a Record

27. In the preceding two sections, we have proposed additions to both § 0.555, regarding denials of access, and § 0.556, regarding denials of amendment or correction, providing that an aggrieved requester under the Privacy Act may either seek (1) staff-level review by filing a petition for reconsideration under § 1.106, or (2) review from the full Commission by filing an application for review under § 1.115 and consistent with the procedures in § 0.557. Section 0.557 currently establishes the process for seeking review of the denial of a request to *amend or correct* Commission records. We now propose updates to this section to harmonize it with our proposals for §§ 0.555 and 0.556, and establish a process for seeking Commission-level review of denials both of requests to *amend or correct* records, as well as requests to *access* them.

28. Subsection (d)(3) of the Privacy Act provides requesters who are dissatisfied with an agency response to their amendment requests the right to file an administrative appeal, but it is silent on the availability of administrative appeals of denial of access requests made under subsection (d)(1) of the Act. When it published its Privacy Act rules in 1975, the Commission created two separate appeals processes—one for denied *access* requests, and another for denied *amendment or correction* requests. Section 0.555(e) establishes the procedure for challenging a denial of a request to access records. That section currently provides that individuals may either submit their request for administrative review to the system manager, who under the current rules makes the determination on whether to grant access to the records, or ''seek judicial relief pursuant to paragraph (g)(1)(B) of the [Privacy] Act.'' Meanwhile, § 0.557 establishes a separate procedure for challenging a denial of a request to amend or correct records. Among other requirements, § 0.557 of the current rules requires individuals to file their appeal to the full Commission within 30 days of the denial and ''specify with particularity why the decision reached by the system manager is erroneous or inequitable.'' Section 0.557 explicitly states that such a review is a prerequisite to seeking judicial review in a district court of the United States.

29. These procedures differ in two important respects: The 30-day deadline to file an appeal and the requirement to appeal to the full Commission. Both are explicit requirements for an appeal made under § 0.557, but are not mentioned in § 0.555. We see no clear reason for the differences in these processes. We further note that both current sections seem to depart from yet another process for challenging staff-level action—namely, the familiar procedures for review established under §§ 1.106 and 1.115 of our rules, which provide for petitions for reconsideration and applications for review, respectively. The current dual tracks for review seem to serve only to confound those aggrieved by denials of Privacy Act requests. We seek comment on these tentative conclusions.

30. Our proposed edits would, along with the edits discussed above, harmonize the process for seeking review under these two sections. Specifically, we propose to repurpose § 0.557: Instead of establishing only the process for Commission-level review of denials of a decision to *amend or correct* a record, our proposed edits would establish the process for Commission-level review of all Privacy Act requests—whether requests for access or requests for amendment or correction. The proposed edits to §§ 0.555 and 0.556, discussed above, would point requesters aggrieved under either section to § 0.557 for Commission-level review. To reflect the proposed change in the purpose of this section, we propose changing the title from the current ''Administrative review of an initial decision not to amend a record'' to ''Commission review of a staff decision.'' We believe that this change would more accurately reflect the broader scope of this section and seek comment on this proposal.

31. We also propose edits to certain paragraphs in § 0.557, to reflect that this section would serve as the procedure for seeking Commission level review of all Privacy Act-related appeals. In addition to the proposed amendments to § 0.555(e) regarding denials of requests for access discussed above, we propose simplifying the appeals process by requiring an application for review to the full Commission for denials of requests for both access and amendment or correction as a condition precedent to judicial review. This would harmonize the process for challenging denials of Privacy Act requests with the procedure for challenging other Commission decisions—reducing confusion and inconsistency. Specifically, we propose updating § 0.557(a) by removing the text regarding the 30-day deadline and the requirement that the appeal be addressed to the system manager or an official at the Office of Personnel Management, and instead simply citing to § 1.115 of the Commission's rules, which sets forth standard procedures for applications for review. We also propose moving paragraphs (a)(1)–(3), which discuss additional requirements for an appeal of a denial of amendment or correction, to a new paragraph (b) and updating them to include denials of access. For example, paragraph (a)(1) would no longer ask whether the information at issue is accurate and instead require an application for review to ''clearly identify the adverse decision that is the subject of the review request.''

32. Current paragraph (b) of § 0.557 states that the Commission ''final administrative review shall be completed not later than 30 days . . . from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period'' and requires that the Commission inform the individual in writing of the reasons for the delay and an approximate date on which the review is expected to be completed. We propose to modify this language to conform with current practice and the statutory requirements of the Privacy Act, which allows the head of an agency to extend the 30-day period, ''for good cause shown,'' and does not require notification in writing of a delay or an anticipated date of completion for a decision on appeal. Our proposal would be reflected in an updated paragraph (c) stating that the Commission will make every effort to act on an application for review within 30 business days after it is filed. We believe this would be consistent with § 1.115 of the Commission's rules and the Commission's obligations under the Privacy Act.

33. Next, we propose updating paragraph (d) and adding a new paragraph (e) to describe the potential outcomes for an application for review. The current paragraph (d) only discusses Commission actions regarding an application for review of a denial of amendment; however, as discussed, we propose to expand § 0.557 to be inclusive of both types of appeals under the Privacy Act: Appeals of denials of access and denials of amendment or correction. Under both proposed subsections, the Commission would notify individuals of their right to pursue judicial review of the Commission's decision. Additionally, proposed paragraph (e) would retain the notice requirements listed under current paragraph (d) regarding an individual's right to provide a signed statement disagreeing with the Commission's

decision, but update the addressee of the statement from the ''system manager,'' to the Privacy Analyst. Finally, proposed paragraph (e)(3) would reflect the requirement under the Privacy Act that the statement of disagreement be annotated so that the disputed portion of a record becomes apparent to anyone who may subsequently have access to, use, or disclose the record and that a copy of the statement accompany any subsequent disclosure of the record. We seek comment on these proposals, which we believe would simplify the process for seeking review.

34. Furthermore, we propose delegating to the General Counsel authority to dismiss Privacy Act applications for review that do not contain any statement required under § 1.115(a) or (b), or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter. We seek comment on whether this proposal to create a single administrative review process is practical and consistent with individuals' rights under the Privacy Act.

35. Because part of this section addresses the disposition of appeals of requests to amend records, we propose to move the contents of § 0.559, which pertains to an individual's right to file a statement of disagreement with the Commission's decision not to amend a record, to § 0.557, the rule that describes the administrative review process. As a result, we additionally propose deleting and reserving § 0.559 to avoid repetition in our rules.

G. Section 0.558—Advice and Assistance

36. Section 0.558 directs individuals who have questions about or need assistance with the procedures set forth in this subpart or the notices described in § 0.552 to contact the Privacy Liaison Officer, a position that no longer exists.

37. We propose to amend § 0.558 to update the rules' description of where to find contact information when an individual needs advice or assistance on their rights under the Privacy Act with respect to records held by the Commission. The proposed revision would refer individuals to the Privacy Analyst, the Senior Agency Official for Privacy, and the Privacy Act Information page on the FCC website. We believe that providing this updated information will make clear the avenues available to the public to exercise fully their rights under the Privacy Act.

H. Section 0.560—Penalty for False Representation of Identity

38. This section restates the Privacy Act's criminal penalty for an individual who fraudulently requests or obtains information from an agency about an individual. The section provides, ''any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than $5,000.''

39. Following OMB guidance, we propose adding language restating the criminal penalty under 18 U.S.C. 1001 for providing false information to the federal government. Notably, this statute provides more serious consequences than those recited in the current rules—including a fine of not more than $10,000, imprisonment of not more than five years, or both. We believe that this proposed edit should, among other things, serve as a greater deterrent to fraudulent requests by making clear the serious criminal penalties for doing so.

I. Section 0.561—Exemptions

40. Section 0.561 currently asserts exemptions for seven separate systems of records. The listed systems of records include: FCC/FOB–1, Radio Operator Records; FCC/FOB–2, Violators File; FCC/OGC–2, Attorney Misconduct Files; FCC/Central-6, Personnel Investigation Records; FCC/OIG–1, Criminal Investigative Files; FCC/OIG–2, General Investigative Files; and an unnumbered system called Licensees or Unlicensed Persons Operating Radio Equipment Improperly. The listed systems, however, no longer correspond to systems of records that the Commission maintains.

41. After reviewing the Commission's current systems of records, it appears that there are only five systems of records that contain exemptible information. These systems of records include: FCC/EB–5, Enforcement Bureau Activity Tracking System; FCC/OMD–16, Personnel Security Files; FCC/WTB–5, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly; FCC/WTB–6, Archival Radio Operator Records; and FCC/OIG–3, Investigative Files. We propose updating this section to strike the seven outdated lists from this section and list and describe the five current systems, which contain exemptible information. In order to comply with the requirement that agencies explicitly explain ''the reasons why the system of records is to be exempted from a provision of [the Privacy Act],'' we also propose rules that more fully justify each exemption we propose to claim. We seek comment on these proposals.

42. Four systems contain information that is exemptible under certain ''specific exemptions'' listed in subsection (k) of the Privacy Act. The Enforcement Bureau Activity Tracking System (EBATS) (FCC/EB–5) and the other supportive platforms to the EBATS boundary contain investigatory material compiled for law enforcement purposes, which is covered by exemption (k)(2).[3] The Security Operations Center's Personnel Security Files (FCC/OMD–16) contains information covered by exemption (k)(5) including investigatory material related to suitability determinations for Federal employment.[4] The Commission also maintains WTB–5, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly and WTB–6, Archival Radio Operator Records, both of which contain investigatory material compiled for law enforcement purposes covered by exemption (k)(2).

43. Finally, the Office of Inspector General's investigative files (OIG–3) contains information that is exemptible under both subsections (j) and (k). Following the guidance of courts that Inspector General offices can be viewed as agency components whose principal function is to perform an activity

[3] An agency head can exempt a system of records from certain portions of the Privacy Act by promulgating regulations when the system of records maintains ''investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: Provided, however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.'' 5 U.S.C. 552a(k)(2).

[4] An agency head can exempt a system of records from certain portions of the Privacy Act by promulgating regulations when the system of records maintains ''investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.'' 5 U.S.C. 552a(k)(5).

pertaining to the enforcement of criminal laws, we propose that this system is exempt under both general exemption (j)(2) and the specific exemption (k)(2), which exempts investigatory material compiled for law enforcement purposes. Additionally, FCC/OIG–3 supersedes FCC/OIG–1 and FCC/OIG–2 referenced in the current section 0.561 of the Commission's rules. We seek comment on these exemptions.

Procedural Matters

44. *People With Disabilities.* 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 & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

45. *Ex Parte Presentations.* The proceeding this Notice initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .docx, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

46. *Initial Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980 (RFA), as amended, requires agencies to prepare a regulatory flexibility analysis for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b).

47. In this *NPRM,* we propose to amend the Commission's Privacy Act rules in order to modernize them and conform them to current Commission practice. The process of seeking to access or amend records under the Privacy Act is generally undertaken by individuals, who are not categorized as ''small entities'' under the Regulatory Flexibility Act. Furthermore, the rule changes proposed herein consist primarily of minor procedural adjustments to how the Commission handles and responds to Privacy Act matters. Such changes are unlikely to have any significant economic impact. Therefore, we certify that the proposals in this *NPRM,* if adopted, will not have a significant economic impact on a substantial number of small entities.

48. *Paperwork Reduction Act.* This document does not contain new or revised information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.[5] In addition, therefore, it does not contain any new or modified ''information burden for small business concerns with fewer than 25 employees'' pursuant to the Small Business Paperwork Relief Act of 2002.[6]

List of Subjects in 47 CFR Part 0

Administrative practice and procedure, Classified Information, Health records, Information, Personally identifiable information, Privacy, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 part 0 as follows:

[5] 44 U.S.C. 3501–3520.

[6] *See* 44 U.S.C. 3506(c)(4).

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, and 409, unless otherwise noted.

■ 2. Section 0.251 is amended by adding paragraph (k) to read as follows:

§ 0.251 Authority delegated.

* * * * *

(k) The General Counsel is delegated authority to dismiss Privacy Act applications for review that do not contain any statement required under § 1.115(a) or (b), or do not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

■ 3. Revise Subpart E, consisting of §§ 0.551 through 0.561, to read as follows:

Subpart E—Privacy Act Regulations

Sec.

Authority: 47 U.S.C. 154, 303; 5 U.S.C. 552a(f).

§ 0.551 Purpose and scope; definitions.

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552a, which regulates the collection, maintenance, use, and dissemination of information about individuals identified in Federal agencies' information systems. As required by subsection (f) of the Privacy Act, these rules establish procedures individuals may follow to be notified of and gain access to records pertaining to themselves that are maintained in the FCC's systems of records, and to request amendment of any portion of these records that they believe are not accurate, relevant, timely, or complete. The rules in this subpart should be read together with the Privacy Act, which provides additional information about records maintained on individuals.

(b) In this subpart:

Individual means a citizen of the United States or an alien lawfully admitted for permanent residence. Privacy Analyst means a Commission

official responsible for processing and responding to requests by individuals to be notified of, to access, or to amend records pertaining to them that are maintained in the FCC's systems of records.

Record means any item, collection, or grouping of information about an individual that is maintained by the Commission, including but not limited to, such individual's education, financial transactions, medical history, and criminal or employment history, and that contains such individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

Routine Use means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

Senior Agency Official for Privacy means the senior Commission official who has agency-wide responsibility and accountability for the Commission's privacy program.

System of Records means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

§ 0.552 Notice.

Upon establishment, rescission, or revision of a system of records, including the establishment of a new routine use of a system of records, the Commission publishes in the **Federal Register** the notice required by 5 U.S.C. 552a(e).

§ 0.553 [Removed and Reserved]

§ 0.554 Requests for notification of and access to records.

(a) Individuals may ask the Commission if it maintains any records pertaining to them in the Commission's Systems of Records, and, subject to the provisions of § 0.555(b), the Commission will notify the requesting individuals of any responsive records and permit them to gain access to such records. A proper request must identify the System(s) of Records the individual wants searched. All requests for notification and access made under this subsection shall be:

Filed electronically using the web portal identified on the FOIA page of the Federal Communications Commission's website (*www.fcc.gov*) or by email to *privacy@fcc.gov;* or

Mailed to the Privacy Analyst, Office of the General Counsel, at the appropriate address listed in § 0.401(a).

Note 1 to paragraph (a): Regardless of the statute cited in the request, an individual's request for access to records pertaining to him or her will be processed under both the Privacy Act, following the rules contained in this subpart, and the Freedom of Information Act (5 U.S.C. 552), following the rules contained in §§ 0.441–0.470 of this part, as appropriate.

(b) Reasonable identification is required of all individuals making requests pursuant to paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) Individuals may verify their identity by submitting the Identity Affirmation form found on the Commission privacy web page.

(2) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

Note 2 to paragraph (b): The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and federal holidays) to the individual making the request. Such an acknowledgement may request that the individual specify the systems of records to be searched and, if necessary, any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will include the responsive record(s) or state approximately when the record(s) will be available for review. No separate acknowledgement is required if the request can be processed and the individual notified of the search results within the ten-day period.

§ 0.555 Disclosure of record information to individuals.

(a) Individuals having been notified that the Commission maintains a record pertaining to them in a system of records may access such record either by in-person inspection at Commission headquarters in Washington, DC, or by correspondence with the Privacy Analyst by postal or electronic mail.

(1) Individuals who wish to review their records at Commission headquarters should contact the Privacy Analyst to arrange a time during regular Commission business hours when they can review and request copies of such records. Verification of identity is required as in § 0.554(b) before access will be granted to an individual appearing in person. Individuals may be accompanied by a person of their own choosing when reviewing a record. However, in such cases, the individual must provide written consent authorizing discussion of their record in the accompanying person's presence.

(2) Individuals may request that copies of records be sent directly to them. In such cases, individuals must verify their identity as described in § 0.554(b) and provide an accurate return postal or electronic mail address. Records shall be sent only to that address.

(b) Records pertaining to the enforcement of criminal laws, classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for Federal employment or access to classified information, and certain testing or examination material may be removed from the records to the extent permitted by subsections (j) and (k) of the Privacy Act of 1974, 5 U.S.C. 552a(j), (k). Section 0.561 of this subpart sets forth the systems of records which the Commission has exempted from disclosure.

(c) The Commission will not charge a fee for searching for and reviewing records requested pursuant to § 0.554.

Note 3 to paragraph (c): Requests processed under the Freedom of Information Act will be subject to the fee provisions detailed in § 0.467 of this part.

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

(e) In the event that a determination is made denying an individual access to records pertaining to that individual for any reason, such individual may file a

petition for reconsideration to the Senior Agency Official for Privacy under § 1.106 of this chapter, or an application for review by the Commission following the procedures set forth in § 0.557 of this subpart and in § 1.115 of this chapter.

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in a record pertaining to that individual if the individual believes the information is not accurate, relevant, timely, or complete. Amendment requests should be submitted in writing to the FCC's Privacy Analyst either:

Via postal mail to the appropriate address listed in § 0.401(a), or

Via electronic mail to the email address listed on the Privacy Act Information section of the Commission's public website (fcc.gov).

(b) Any request to amend should contain at a minimum:

(1) The identity verification information required by § 0.554(b);

(2) A brief description of the item or items of information to be amended; and

(3) A brief statement explaining why the individual believes the information is not accurate, relevant, timely, or complete.

(c) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and federal holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10-day period.

(d) A Privacy Analyst will (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the FCC agrees that an amendment to the record is warranted, the Privacy Analyst will:

(i) So advise the individual in writing;

(ii) Verify with the system manager that the record has been corrected in compliance with the individual's request; and

(iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the FCC does not agree that all or any portion of the record merits amendment, the Privacy Analyst will:

(i) Notify the individual in writing of such refusal to amend and the reasons therefor;

(ii) Advise the individual of the right to file a petition for reconsideration to the Senior Agency Official for Privacy under § 1.106 of this chapter, or an application for review by the Commission following the procedures set forth in § 0.557 of this subpart and § 1.115 of this chapter.

(e) In reviewing a record in response to a request to amend, the FCC will assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, the FCC will adjudge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

§ 0.557 Commission review of a staff decision.

(a) Upon the FCC's determination not to grant an individual access to a record under § 0.555 of this subpart or a determination not to grant an individual's request to amend a record under § 0.556 of this subpart, the individual may file an application for review by the Commission following the procedures described in § 1.115 of this chapter.

(b) In addition to the requirements contained in § 1.115 of this chapter, any application for review must:

(1) Clearly identify the adverse decision that is the subject of the review request;

(2) Specify with particularity why the decision reached by the FCC is erroneous or inequitable; and

(3) In the case of an amendment request made under § 0.556 of this subpart, clearly state how the record should be amended or corrected.

(c) The Commission will make every effort to act on an application for review within 30 business days after it is filed. The Commission may seek such additional information as is necessary to make a determination.

(d) In the case of a request for access to a record under § 0.554 of this subpart:

(1) If upon review of the application, the Commission agrees that the individual is entitled to access to the requested record, the Commission will provide the individual access to the requested record;

(2) If instead the Commission finds that the individual is not entitled to access to the requested record, it will notify the individual in writing of its determination and the reasons therefor; the Commission will also advise the individual that judicial review of this determination is available in a district court of the United States.

(e) In the case of a request to amend a record under § 0.556 of this subpart:

(1) If upon review of the application, the Commission agrees with the individual that the requested amendment is warranted, it will proceed in accordance with § 0.556(d)(1)(i) through (iii).

(2) If after reviewing the application, the Commission refuses to amend the record as requested, it shall:

(i) Notify the individual in writing of this determination and the reasons therefor;

(ii) Advise the individual that a concise statement of the reasons for disagreeing with the determination of the Commission may be filed;

(iii) Inform the individual:

(A) That such a statement should be signed and addressed to the Privacy Analyst;

(B) That the statement will be made available to anyone to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of the Commission's reasons for refusing to amend the record; and

(C) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that an accounting of such disclosures is maintained;

(iv) Advise the individual that judicial review of the Commission's determination not to amend the record is available in a district court of the United States.

(3) If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(e)(2) of this subpart, the record shall be clearly annotated so that the disputed portion becomes apparent to anyone who may subsequently have access to, use, or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. If the Commission has chosen to include a written summary of its reasons for refusing to amend the record, it shall also accompany any subsequent disclosure. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556 of this subpart.

§ 0.558 Privacy Act assistance.

(a) In order to assist individuals in exercising their rights under the Privacy Act, the Commission maintains a

Privacy Act Information web page on its public website (*fcc.gov*). In addition, the Commission's privacy officials will endeavor to provide assistance to any individual who requests information about the Commission's systems of records or the procedures contained in this subpart for gaining access to a particular system of records or for contesting the content of a record, either administratively or judicially. Individuals can seek such advice:

(1) Via postal mail to the appropriate address listed in § 0.401(a) of this chapter, or

(2) Via the telephone numbers or electronic mail addresses of the Senior Agency Official for Privacy (SAOP) or the Privacy Analyst, which are listed on the Privacy Act Information page of the FCC's public website (*fcc.gov*).

(b) [Reserved]

§ 0.559 [Removed and Reserved]

§ 0.560 Penalty for false representation of identity.

Under subsection (i)(3) of the Privacy Act, any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than $5,000. Under 18 U.S.C. 1001, an individual who knowingly and willfully provides false information to the United States Government shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

§ 0.561 Exemptions.

Because the Commission has determined that applying certain requirements of the Privacy Act to certain Commission records would have an undesirable and unacceptable effect on the conduct of its business, the Commission exempts the following systems of records from the listed requirements of the Act.

(a) *FCC/EB–5, Enforcement Bureau Activity Tracking System (EBATS).* Pursuant to subsection (k)(2) of the Privacy Act, this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, and from §§ 0.554 through 0.557 of this subpart insofar as it contains investigatory material compiled for law enforcement purposes. These exemptions are justified for the following reasons:

(1) From subsection (c)(3) because providing an accounting of disclosures to an individual could alert that person that he or she is the subject of an investigation by the Enforcement Bureau (EB) or by the recipient entity and allow that person to take actions to impede or compromise the investigation.

(2) From subsection (e)(1) because in the early stages of an investigation it is not always possible to determine if specific information is relevant or necessary for the investigation. It is also possible that information collected during an investigation turns out not to be relevant or necessary for that investigation, but helps EB establish patterns of misconduct or suggests that other laws or rules have been violated.

(3) From subsections (d), (e)(4)(G) and (H), and (f) because giving an individual access to information in this system could notify the individual that he or she is the subject of an EB investigation and provide information about the sources, witnesses, tactics, and procedures EB employs to conduct the investigation, which could allow that person to take actions to impede or compromise the investigation.

(4) From subsection (e)(4)(I) because disclosing the categories of sources of records in the system would risk disclosing the methods EB uses to select investigation targets and the techniques and procedures EB uses to conduct investigations. It could also compromise the confidentiality of the EB's sources and witnesses.

(b) *FCC/OIG–3, Investigative Files.* Pursuant to sections (j)(2) and (k)(2) of the Privacy Act, this system of records is exempt from subsections (c)(3)–(4), (d), (e)(1), (2), (3), (5), and (8), (e)(4)(G), (H), and (I), (f), and (g) of the Privacy Act, 5 U.S.C. 552a, and from §§ 0.554 through 0.557 of this subpart insofar as it contains information related to the enforcement of criminal laws, classified information, and investigatory material compiled for law enforcement purposes. These exemptions are justified for the following reasons:

(1) From subsection (c)(3) because providing an accounting of disclosures to an individual could alert that person that he or she is the subject of an investigation by the Office of Inspector General (OIG) or that the OIG shared the individual's information with another law enforcement entity;

(2) From subsections (d), (c)(4), (e)(4)(G) and (H), (f), and (g) because giving an individual access to and the right to amend information in this system could notify the individual that he or she is the subject of an OIG investigation and provide information about the sources, witnesses, tactics, and procedures OIG employs to conduct the investigation, which could allow that person to take actions to impede or compromise the investigation.

(3) From subsections (e)(1) and (5) because in the early stages of an investigation it is not always possible to determine if specific information is relevant, accurate, timely, or complete. It is also possible that information collected during an investigation turns out not to be relevant or necessary for that investigation, but helps OIG establish patterns of misconduct or suggests that other laws or rules have been violated.

(4) From subsections (e)(2) and (3) because collecting information directly from an individual and/or notifying the individual of the purposes of the collection could impair investigations by alerting the individual that he or she is the subject of an investigation. It may also be necessary to collect information from sources other than the individual to verify the accuracy of evidence. Furthermore, in some situations, the subject of an investigation cannot be required to provide information about him or herself.

(5) From subsection (e)(8) because notifying an individual that a record has been made available to a person through compulsory process could prematurely reveal an ongoing investigation to the subject of the investigation.

(6) From subsection (e)(4)(I) because disclosing the categories of sources of records in the system would risk disclosing the methods OIG uses to select investigation targets and the techniques and procedures OIG uses to conduct investigations.

(c) *FCC/OMD–16, Personnel Security Files.* Pursuant to sections (k)(1), (k)(2), and (k)(5) of the Privacy Act, this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, and from §§ 0.554 through 0.557 of this subpart insofar as it contains classified material or investigatory material compiled for the purpose of Federal employment eligibility to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence. These exemptions are justified for the following reasons:

(1) From subsection (c)(3) because providing an accounting of disclosures to an individual could identify other individuals who received information about the subject individual to elicit information in connection with a personnel background investigation.

(2) From subsections (d), (e)(4)(G) and (H), and (f) because giving an individual access to information in this system could reveal the identity of persons who confidentially provided information as

part of a personnel background investigation, which could restrict the flow of information necessary to determine the suitability of an employee candidate.

(3) From subsection (e)(4)(I) because disclosing the categories of sources of records in the system would risk disclosing the techniques and procedures used to conduct investigations.

(4) From subsection (e)(1) because it is impossible to determine in advance what exact information may be necessary to collect in order to determine the suitability of an employee candidate.

(d) *FCC/WTB–5, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly.* Pursuant to section (k)(2) of the Privacy Act, this system of records is exempt from subsections (c)(3), (d), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, and from §§ 0.554 through 0.557 of this subpart insofar as it contains classified material or investigatory material compiled for the purpose of determining whether the license application for an individual who operated radio equipment improperly should be granted, denied, or set for a hearing. These exemptions are justified for the following reasons:

(1) From subsection (c)(3) because providing an accounting of disclosure to an individual could identify other individuals who received information about the subject individual to elicit information in connection with an investigation into the improper operation of radio equipment.

(2) From subsections (d), (e)(4)(G) and (H), and (f) because giving an individual access to information in this system could reveal the identity of persons who confidentially provided information as part of an investigation into the improper operation of radio equipment, which could restrict the flow of information necessary to determine whether a license should be granted.

(3) From subsection (e)(4)(I) because disclosure of sources of records in the system would risk disclosing the techniques and procedures used to conduct investigations.

(e) *FCC/WTB–6, Archival Radio Operator Records.* Pursuant to sections (k)(1) and (k)(2) of the Privacy Act, this system of records is exempt from subsections (c)(3), (d), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, and from §§ 0.554 through 0.557 of this subpart insofar as it contains classified material or investigatory material compiled for the purpose of determining whether the license application for an individual who operated radio equipment improperly should be granted, denied, or set for a hearing and the referral of possible violations to the FCC's Enforcement Bureau, Office of General Counsel, or another agency. These exemptions are justified for the following reasons:

(1) From subsection (c)(3) because providing an accounting of disclosure to an individual could identify other individuals who received information about the subject individual to elicit information in connection with an investigation into the violation of law.

(2) From subsections (d), (e)(4)(G) and (H), and (f) because giving an individual access to information in this system could reveal the identity of persons who confidentially provided information as part of an investigation into a violation of law.

(3) From subsection (e)(4)(I) because disclosure of sources of records in the system would risk disclosing the techniques and procedures used to conduct investigations.

[FR Doc. 2021–06152 Filed 4–2–21; 8:45 am]

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Notices

Federal Register
Vol. 86, No. 63
Monday, April 5, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0034]

Environmental Impact Statement; Movement of Certain Genetically Engineered Organisms: Record of Decision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the final environmental impact statement titled ''Revisions to USDA–APHIS 7 CFR part 340 Regulations Governing the Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms.''

DATES: An official of the Animal and Plant Health Inspection Service–Biotechnology Regulatory Services signed the record of decision on March 19, 2021.

ADDRESSES: You may read the final environmental impact statement and record of decision in our reading room. The reading room is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming. The record of decision, final environmental impact statement, and supporting information may also be viewed on the *Regulations.gov* website. To obtain copies of the documents, contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: For information on the movement of genetically engineered organisms, contact Mrs. Chessa Huff-Woodard, Esq., Branch Chief of Policy, Program, and International Collaboration, BRS, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 851–3943. For questions related to the environmental impact statement, contact Ms. Joanne Serrels, Biological Scientist, ERAS, PPD, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 851–3867.

SUPPLEMENTARY INFORMATION: On June 29, 2018, the Animal and Plant Health Inspection Service (APHIS) published a notice of intent (NOI)[1] in the **Federal Register** (83 FR 30688–30689, Docket No. APHIS–2018–0034) to prepare a programmatic environmental impact statement (PEIS). The NOI solicited public comment to help define the issues to be considered in the PEIS and scope of alternatives to consider in revision of the biotechnology regulations in 7 CFR part 340.

The comment period on the NOI ended on July 30, 2018. At the close of this comment period APHIS had received 35 submissions from the public. The submissions were from individuals from academic organizations, professional organizations, trade groups, commodity groups, industry, non-governmental organizations, federally recognized Tribes, and unspecified individuals.

On June 6, 2019, APHIS published a proposed rule[2] in the **Federal Register** (84 FR 26514–26541, Docket No. APHIS–2018–0034) that entailed a comprehensive revision of the regulations in part 340. Along with the proposed rule, a draft PEIS and other supporting documents were published for public review and comment. The proposed rule and the draft PEIS were made available to the public both on the *Regulations.gov* website and on APHIS' website. The comment period for both documents closed on August 5, 2019. APHIS received a total of 6,151 public submissions. The commenters on the proposed rule and draft PEIS fell into the same categories as did those on the NOI.

After reviewing the comments, APHIS then published a final rule[3] in the **Federal Register** on May 18, 2020 (85 FR 29790–29838, Docket No. APHIS–2018–0034). Along with the final rule and other supporting documents, APHIS published a final PEIS. Public comments we received on the NOI are summarized in Appendix 2 of the final PEIS, along with APHIS' responses. Public comments that we received on the June 2019 proposed rule that specifically addressed the draft PEIS are summarized in Appendix 3 of the final PEIS, along with APHIS' responses.

On May 8, 2020, the Environmental Protection Agency published a notice[4] in the **Federal Register** (85 FR 27412–27413, Docket No. ER–FRL–9050–7) announcing the availability of the final PEIS to the public. Additionally, APHIS posted the final PEIS on its website on May 14, 2020. On May 22, 2020 the Environmental Protection Agency published a second notice[5] in the **Federal Register** (85 FR 31182–31183, Docket No. ER–FRL–9050–9) extending the review period for the PEIS until June 22, 2020.

The National Environmental Policy Act (NEPA) implementing regulations in 40 CFR 1506.11(b)(2) require a minimum 30-day waiting period between the time a final EIS is published and the time an agency makes a decision on an action covered by the EIS. We received one comment during the waiting period. APHIS has reviewed the final EIS and concluded that it fully analyzes the issues covered by the draft EIS and addresses the comment and suggestions submitted by the commenter. This notice advises the public that the waiting period has elapsed, and APHIS has issued a record of decision (ROD) to implement the preferred alternative described in the final EIS.

The ROD has been prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b);

[1] To view the NOI and the comments we received, go to *www.regulations.gov,* and enter APHIS–2018–0034 in the Search field.

[2] To view the proposed rule the comments we received, and the supporting documents, go to *www.regulations.gov* and enter APHIS–2018–0034 in the Search field.

[3] To view the final rule, go to *www.regulations.gov* and enter APHIS–2018–0034 in the Search field.

[4] To view the notice, go to *www.regulations.gov* and enter ER–FRL–9050–7 in the Search field.

[5] To view the notice, go to *www.regulations.gov* and enter ER–FRL–9050–9 in the Search field.

and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 31st day of March 2021.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–06978 Filed 4–2–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0068]

Importation of Dianthus spp. From Kenya

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are notifying the public that we are updating the U.S. Department of Agriculture Plants for Planting Manual to allow the importation of *Dianthus* spp. cuttings from Kenya without postentry quarantine, subject to certain conditions. We are taking this action in response to a request from this country and after determining that the cuttings can be imported, under certain conditions, without resulting in the introduction into, or the dissemination within, the United States of a plant pest.

DATES: The changes to the entry conditions will be applicable on April 5, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Lydia E. Colón, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2302.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart H—Plants for Planting'' (7 CFR 319.37–1 through 319.37–23, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) prohibits or restricts the importation of plants for planting (including living plants, plant parts, seeds, and plant cuttings) to prevent the introduction of quarantine pests into the United States. *Quarantine pest* is defined in § 319.37–2 as a plant pest or noxious weed that is of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled. In accordance with § 319.37–20, APHIS may impose quarantines and other restrictions on the importation of specific types of plants for planting. These restrictions are listed in the USDA Plants for Planting Manual.[1]

In a final rule [2] published in the **Federal Register** on March 19, 2018 (83 FR 11845–11867, Docket No. APHIS–2008–0011), and effective on April 18, 2018, we amended the regulations so that restrictions on the importation of certain types of plants for planting would be included in the USDA Plants for Planting Manual instead of the regulations, meaning that changes to specific restrictions on plants for planting are no longer made through rulemaking. Under § 319.37–20, if APHIS determines it is necessary to add, change, or remove restrictions on the importation of a specific type of plant for planting, we will publish in the **Federal Register** a notice that announces the proposed change and invites public comment.

On May 9, 2019, we published in the **Federal Register** (84 FR 20323–20324, Docket No. APHIS–2018–0068) a notice [3] in which we proposed to make changes to the import requirements in the USDA Plants for Planting Manual for imports of *Dianthus* spp. (carnation) cuttings from Kenya by allowing the cuttings to be imported into the United States without postentry quarantine, subject to certain conditions outlined in a commodity import evaluation document (CIED).

We solicited comments on the notice for 60 days ending on July 8, 2019. We received six unique comments by that date. They were from two horticultural companies, two national trade organizations who issued a joint comment, two State departments of agriculture, and a growers' and landscape association.

The issues raised by the commenters are addressed below.

Two commenters asked that the risk management measures include trapping for lepidopteran pests using pheromone lures. One of these commenters expressed particular concern about the pests *Helicoverpa armigera, Agrotis segetum,* and *Spodoptera littoralis.*

As stated in the CIED, APHIS will require that the *Dianthus* spp. cuttings are grown in a pest-exclusionary greenhouse that includes safeguards against pests such as insect-proof screening over openings and self-closing double or airlock-type doors. The risk management measures also require that the production sites have monthly inspections for lepidopteran pests for at least four consecutive months immediately prior to export. We are confident that these measures will sufficiently protect the cuttings against lepidopteran pests without the need for pheromone lures, which can attract pests over long distances and have the potential to inadvertently attract more pests to the production site.

One of these commenters also requested that we include two arthropod pests, *Chrysodeixis chalcites* and *Lobesia botrana,* both moths, in our considerations.

Both of these pests are addressed in the CIED. *Chrysodeixis chalcites* is among the pests specifically named in the risk mitigation measure of monthly visual crop inspections for at least four consecutive months immediately prior to export. *Lobesia botrana* is listed in a table of additional *Dianthus* spp. pests present in Kenya, but with a note that *Dianthus* spp. is an exempted host from domestic quarantine regulations within the United States for the movement of *Lobesia botrana* host material as it has been determined not to pose a risk of spreading *Lobesia botrana.* For the sake of consistency with domestic regulations, we did not propose mitigations for *Lobesia botrana* for the importation of *Dianthus* spp. plants for planting from Kenya without postentry quarantine.

The commenter also requested that the risk management measures include inspecting the soil around the plants for *Agrotis segetum,* a moth, and inspecting the stems for boreholes as well as cutting open a percentage of stems to check for *Epichoristodes acerbella,* a moth.

APHIS will emphasize in the operational workplan that visual inspections should include an examination of the soil and an inspection of stems for boreholes. However, because the plant articles in question are cuttings, and therefore not likely to have stems sufficient to support borers, we do not believe stipulating the cutting open of stems to be necessary.

One commenter expressed concern about the importation of *Dianthus* spp. from Kenya introducing strains of *Ralstonia solanacearum.*

Dianthus spp. is not known to be a host of *Ralstonia solanacearum.*

[1] *https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/plants_for_planting.pdf.*

[2] The proposed and final rules, supporting documents, and comments can be viewed at *https://www.regulations.gov.* Enter APHIS–2008–0011 in the Search field.

[3] To view the notice, supporting documents, and the comments we received, go to *http://www.regulations.gov,* and enter APHIS–2018–0068 in the Search field.

One commenter asked about APHIS' objective in lifting the postentry quarantine.

APHIS has the authority to impose restrictions on the importation of specific types of plants for planting when such restrictions are necessary to effectively mitigate the risk of introducing quarantine pests into the United States. After receiving a request from Kenya to allow for the importation of *Dianthus* spp. cuttings from Kenya without postentry quarantine, APHIS determined that the systems approach outlined in the CIED would successfully mitigate the associated plant pest risk, therefore eliminating the need for the postentry quarantine restriction.

The commenter also expressed general concern that the risk management procedures would not guarantee that *Dianthus* spp. cuttings from Kenya would arrive to the United States free from pests and would not pose a risk to United States agriculture.

After completing a comprehensive evaluation, APHIS believes that the pest risk will be sufficiently mitigated by the risk management measures outlined in the CIED. These measures are consistent with the measures regarding *Dianthus* spp. cutting exports to the United States taken by the national plant protection organizations (NPPOs) of Great Britain and the Netherlands, the two countries that are currently exempted from the postentry quarantine requirement for *Dianthus* spp. if certain conditions are met.

The commenter asked about the prevalence of viruses in Kenya compared to their prevalence in the United States and the extent to which this posed an agricultural risk.

The CIED listed two viruses among the pests of concern for *Dianthus* spp., carnation etched ring virus (CERV) and carnation necrotic fleck virus. CERV is found worldwide, including in the United States, but has not been reported to occur in Kenya. Carnation necrotic fleck virus is present in Great Britain and the Netherlands with limited distribution in the United States (California), but is not known to occur in Kenya. The systems approach we outlined provides mitigation strategies to prevent these pests from entering the United States should they appear in Kenya in the future.

The commenter also asked who benefits from this decision, what the impact on jobs would be, whether a cost-benefit analysis had been completed, and what need current domestic production is not meeting in the market that makes this change necessary.

As cuttings of *Dianthus* spp. are already imported into the United States from Kenya and this change would not impact the current volume imported, this change should not have any economic impact or affect any jobs in the United States. Moreover, APHIS' authority to place restrictions on imports of cuttings of *Dianthus* spp. from Kenya is based on the pest risks associated with such imports. The Agency does not have statutory authority to make decisions regarding restrictions placed on the importation of plants or plant products on the basis of economic or competitive considerations.

The commenter asked whether other agricultural crops were considered in the CIED.

The request from Kenya focused specifically on *Dianthus* spp. cuttings, and therefore no other imported agricultural crops were assessed. APHIS analyzed whether this change would increase the potential pest risk to domestic agricultural crops and found that a systems approach would be sufficient to mitigate any potential risk to United States agriculture.

Finally, the commenter expressed concern about whether the NPPO of Kenya is qualified to abide by the systems approach, mentioning an instance of *Ralstonia solanacearum* found in plants imported from Kenya that caused damage to United States crops.

The NPPO of Kenya is a signatory to the World Trade Organization's Agreement on Sanitary and Phytosanitary Measures. As such, it has agreed to respect the phytosanitary measures the United States imposes on the importation of plants and plant products from Kenya. To ensure that these phytosanitary measures are met, APHIS will create a detailed operational workplan with Kenya. Additionally, all *Dianthus* spp. cuttings from Kenya will be inspected at plant inspection stations in the United States for quarantine pests. If consignments are determined to be infested, they will be subject to appropriate remedial measures.

Therefore, based on the reasons outlined in the initial notice, the CIED accompanying the initial notice, and this second notice, we are updating the USDA Plants for Planting Manual to allow the importation of *Dianthus* spp. cuttings from Kenya without postentry quarantine, provided that the NPPO of Kenya enters into an operational workplan with APHIS and:

- The cuttings are grown in a greenhouse that is registered with the NPPO of Kenya and that operates under an agreement with the NPPO.
- The NPPO maintains a list of registered growers and provides them to APHIS at least annually.
- The production site incorporates safeguards to prevent the entry of arthropod pests including, but not necessarily limited to, insect proof screening over openings and self-closing double or airlock-type doors.
- Blacklight traps are maintained for at least 1 year following construction of the production site, registration of the site, replacement of the covering of the production site, or discovery and repair to any rips or tears in the covering of the production site.
- Any rips or tears are repaired immediately.
- In the event of detection of quarantine pests in a production site, the site will not be allowed to export until appropriate control measures approved by the NPPO are taken and their effectiveness verified by APHIS.
- Plants destined for export to the United States are produced in a production site devoted solely to production of such plants.
- Parental stock from which the plants intended for importation derive are inspected and found free of the fungus *Phialophora cinerescens,* and indexed and found free of *Carnation etched ring virus* and *Carnation necrotic fleck virus.*
- At least once monthly for the 4 months prior to the cuttings' export to the United States, the production site is visually inspected for *Spodoptera littoralis* (cotton leaf worm), *Helicoverpa armigera* (Old World bollworm), *Agrotis segetum* (turnip moth), *Epichoristodes acerbella* (carnation tortrix), *Aspidiotus nerii* (a scale), and *Chrysodeixis chalcites* (a moth), as well as *Phialophora cinerescens, Carnation etched ring virus,* and *Carnation necrotic fleck virus.*
- The production site maintains records regarding production, indexing, inspection, and pest management, and inspectors from the NPPO and APHIS have access to both the production site and these records.
- Cuttings are accompanied by a phytosanitary certificate with an additional declaration that the plants were produced in a production site registered with the NPPO of Kenya, and that the plants were grown under conditions specified by APHIS to prevent infestation with *Phialophora cinerescens, Carnation etched ring virus, Carnation necrotic fleck virus, Agrotis segetum, Epichoristodes acerbella, Helicoverpa armigera, Spodoptera littoralis,* and *Aspidiotus nerii.*

• Cuttings are limited to commercial consignments only.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the burden requirements included in this notice are covered under the Office of Management and Budget (OMB) control number 0579–0049, which is updated on a quarterly basis.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 31st day of March 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–06947 Filed 4–2–21; 8:45 am]

BILLING CODE 3410–34–P

CIVIL RIGHTS COMMISSION

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement 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 (FACA) that the Oregon Advisory Committee (Committee) will hold a meeting via web conference on Friday, April 16, 2021, at 1:00 p.m. Pacific Time. The purpose of the meeting is to review report findings and recommendations.

DATES: The meeting will be held on Friday, April 16, 2021 at 1:00 p.m. PT.

Webex Information: Register online *https://civilrights.webex.com/meet/afortes*.

Audio: (800) 360–9505.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: Any interested member of the public may call this number and listen to the meeting. 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 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit Office within 30 days following the meeting. Written comments may be mailed to Ana Victoria Fortes at *afortes@usccr.gov* in the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office (202) 681–0587.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA*. Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome

II. Review Findings and Recommendations

III. Public Comment

VI. Review Next Steps

V. Adjournment

Dated: March 30, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–06894 Filed 4–2–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Technical Information Service

National Technical Information Service Advisory Board; Meeting

AGENCY: National Technical Information Service, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the next meeting of the National Technical Information Service (NTIS) Advisory Board (the Advisory Board).

DATES: The Advisory Board will meet on Monday, May 24, 2021 from 1:00 p.m. to approximately 4:30 p.m., Eastern Time, via teleconference.

ADDRESSES: The Advisory Board meeting will be via teleconference. Please note attendance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Elizabeth Shaw, (703) 605–6136, *eshaw@ntis.gov* or Chantae O'Connor at *coconnor@ntis.gov*.

SUPPLEMENTARY INFORMATION: The Advisory Board is established by Section 3704b(c) of Title 15 of the United States Code. The charter has been filed in accordance with the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The Advisory Board reviews and makes recommendations to improve NTIS programs, operations, and general policies in support of NTIS' mission to advance Federal data priorities, promote economic growth, and enable operational excellence by providing innovative data services to Federal agencies through joint venture partnerships with the private sector.

The meeting will focus on a review of the progress NTIS has made in implementing its data mission and strategic direction. A final agenda and summary of the proceedings will be posted on the NTIS website as soon as they are available (*https://www.ntis.gov/about/advisorybd/index.xhtml*).

The teleconference will be via controlled access. Members of the public interested in attending via teleconference or speaking are requested to contact Ms. Shaw at the contact information listed in the **FOR FURTHER INFORMATION CONTACT** section above not later than Friday, May 21, 2021. If there

are sufficient expressions of interest, up to one-half hour will be reserved for public oral comments during the session. Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend are invited to submit written statements by emailing Ms. Shaw at the email address provided in the **FOR FURTHER INFORMATION CONTACT** section above.

Gregory Capella,

Director (A).

[FR Doc. 2021–06954 Filed 4–2–21; 8:45 am]

BILLING CODE 3510–04–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Performance Measurement in AmeriCorps

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Corporation for National and Community Service (operating as AmeriCorps) has submitted a public information collection request (ICR) entitled Performance Measurement in AmeriCorps for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 5, 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.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling AmeriCorps, Dr. Andrea Robles, at 202–510–6292 or by email to *arobles@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of AmeriCorps, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on November 24, 2020 at Vol. 85, No. 227, 74996–74997. This comment period ended January 25, 2021. Two public comments were received from this Notice. Both comments focused on the utility of the data and sharing the information with AmeriCorps programs and State Commissions. We completely agree with these comments and do our best to make the findings available; however, the ability to share the information widely is dependent on our resources.

Title of Collection: Performance Measurement in AmeriCorps.

OMB Control Number: 3045–0094.

Type of Review: Renewal.

Respondents/Affected Public: Individuals—AmeriCorps members.

Total Estimated Number of Annual Responses: 80,000.

Total Estimated Number of Annual Burden Hours: 20,000.

Abstract: All members in the three AmeriCorps programs—AmeriCorps State & National, VISTA, and the National Civilian Community Corps (NCCC)—are invited to complete a questionnaire upon completing their service term. The questionnaire asks members about their motivations for joining AmeriCorps, experiences while serving, and future plans and aspirations. Completion of the questionnaire is not required to successfully exit AmeriCorps, receive any stipends, educational awards, or other benefits of service. The purpose of the information collection is to learn more about the member experience and member perceptions of their AmeriCorps experience in order to improve the program. Members complete the questionnaire electronically through the AmeriCorps Member Portal. Members are invited to respond as their exit date nears and are allowed to respond for an indefinite period following the original invitation. AmeriCorps seeks to renew the current information collection. The questionnaire submitted for clearance is unchanged from the previously cleared questionnaire. AmeriCorps also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The current application expires on 3/31/2021.

Dated: March 31, 2021.

Andrea Robles,

Research and Evaluation Manager.

[FR Doc. 2021–06941 Filed 4–2–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

Office of Indian Education (OIE); Formula Grants to Local Educational Agencies

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Supplemental notice.

SUMMARY: On January 12, 2021, the Department of Education (Department) published in the **Federal Register** a notice inviting applications for fiscal year (FY) 2021 for the Office of Indian Education (OIE) Formula Grants to Local Educational Agencies program, Assistance Listing Number 84.060A. This notice provides supplemental information to clarify the student count data year that will be considered by the Secretary when making awards for FY 2021.

DATES: Part II of the Electronic Application System for Indian Education (EASIE) Applications Available: April 5, 2021.

Deadline for Transmittal of EASIE Part II: May 14, 2021, 11:59 p.m., Eastern Time.

FOR FURTHER INFORMATION CONTACT: For questions about the Formula Grants program, contact Dr. Crystal C. Moore, U.S. Department of Education, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202–6335. Telephone: (202) 215–3964. Email: *crystal.moore@ed.gov.* For technical questions about the EASIE application and uploading documentation, contact the Partner Support Center (PSC).

Telephone: 877–457–3336. Email: *OIE.EASIE@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), contact the Federal Relay Service (FRS), toll free, at 1–800–877–8339 or by email at: *federalrelay@sprint.com.*

SUPPLEMENTARY INFORMATION: On January 12, 2021, we published in the **Federal Register** a notice inviting applications for the OIE Formula Grants to Local Educational Agencies program (86 FR 2397) (January 12, 2021 notice) that established the deadlines for Parts I and II of the EASIE application and described application and program requirements, including the requirement in section IV (6)(a) that applicants ''submit a current Indian student count for FY 2021'' in Part I of EASIE.

The deadline for Part I of the EASIE application closed on March 11, 2021. Upon reviewing submitted Part I applications, OIE discovered a decrease in a significant number of applicants' FY 2021 student count as compared to FY 2020. OIE conducted outreach to determine the cause for the decrease in student counts, and the majority of applicants surveyed cited the effects of the COVID–19 pandemic as the cause. Due to the COVID–19 pandemic and the significant impact it has had on applicants and the students served by this grant program, we are supplementing the January 12, 2021 notice with the following information for applicants:

(1) OIE will compare the applicant's current Indian student count for FY 2021 with the Indian student count provided by the same applicant on its FY 2020 application. OIE will allocate awards based on the higher of the student counts reported by an applicant in either FY 2020 or FY 2021.

(2) For applicants that did not apply in FY 2020, OIE will use the current Indian student count for FY 2021 as reported in their FY 2021 application.

All other requirements and deadlines established in the January 12, 2021 notice are unchanged and remain in effect. Applicants that submitted the Part I application are not required to take any further action for OIE to use the higher of the FY 2020 or 2021 student counts.

In order to receive an award, all applicants must meet all requirements established in the January 12, 2021 notice, including the upcoming deadline for Part II of the EASIE application. Failure to meet all requirements, including submitting the required ''Supplementary Documentation'' in section IV of the January 12, 2021 notice, by the listed deadline, will result in an incomplete application that will not be considered for funding. OIE recommends uploading the supplementary documentation at least two days prior to the FY21 deadline date of May 14, 2021 to ensure that any potential submission issues are resolved prior to the deadline.

Consistent with the January 12, 2021 notice, applicants must submit EASIE Part II by 11:59 p.m., Eastern Time on May 14, 2021. Instructions for submitting an application can be found in the January 12, 2021 notice.

Program Authority: 20 U.S.C. 7421, *et seq.*

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ruth Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

[FR Doc. 2021–06915 Filed 4–2–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee; Meeting

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 22, 2021; 2:15 p.m.–4:00 p.m. EST.

ADDRESSES: This meeting of the EAC will be held via WebEx video and teleconference. In order to track all participants, the Department is requiring that those wishing to attend register for the meeting here*: https://www.energy.gov/oe/april-22-2021-meeting-electricity-advisory-committee.*

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence, Designated Federal Officer, Office of Electricity, U.S. Department of Energy, Washington, DC 20585; Telephone: (202) 586–5260 or Email: *Christopher.lawrence@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing certain sections of the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to the electric sector.

Tentative Agenda: This meeting of the EAC is expected to include discussion of the EAC's recommendations to DOE concerning the Federal Energy Regulatory Commission's (FERC) Order 2222. In addition, the EAC is also expected to discuss the Five-Year Energy Storage Plan as required by section 641(e)(4) of Energy Independence and Security Act of 2007 (EISA). During the meeting, the full EAC membership will vote on whether to approve recommendations concerning both FERC Order 2222 and the Five-Year Energy Storage Plan.

April 22, 2021

2:15 p.m.–2:30 p.m. WebEx Attendee Sign-On
2:30 p.m.–2:40 p.m. Welcome, Introductions, and Roll Call
2:40 p.m.–3:10 p.m. Discussion and vote on the FERC Order 2222 Recommendations

3:10 p.m.–3:30 p.m. Discussion and vote on the Five-Year Energy Storage Plan
3:30 p.m.–3:40 p.m. New Charges to EAC on Model Pathways for Grid Modernization
3:40 p.m.–3:55 p.m. Public Comment
3:55 p.m.–4:00 p.m. Adjourn

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC website at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings, no advanced registration is required. Individuals who wish to offer public comments at the EAC meeting may do so on during the call but must register in advance with Mr. Christopher Lawrence. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement identified by ''Electricity Advisory Committee August ESCG RFI Meeting,'' to Mr. Christopher Lawrence at *Christopher.lawrence@hq.doe.gov.*

Minutes: The minutes of the EAC meeting will be posted on the EAC web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Christopher Lawrence at the address above.

Signed in Washington, DC, on March 30, 2021.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–06934 Filed 4–2–21; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0738; FRL–10021–81]

Chemical Category for Octahydro-Tetramethyl-Naphthalenyl-Ethanone (OTNE); Manufacturer Request for Risk Evaluation Under the Toxic Substances Control Act (TSCA); Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: In the **Federal Register** notice of February 19, 2021, EPA announced the availability of and solicited public comment on a manufacturer request for a risk evaluation of ethanone, 1-(1,2,3,4,5,6,7,8-octahydro-2,3,5,5-tetramethyl-2-naphthalenyl), ethanone, 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl), ethanone, 1-(1,2,3,4,6,7,8,8a-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl), and ethanone, 1-(1,2,3,5,6,7,8,8a-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl) (collectively, ''OTNE'') under the Toxic Substances Control Act (TSCA). This document extends the comment period for 30 days from April 5, 2021 to May 5, 2021.

DATES: The comment period for the notice published February 19, 2021, at 86 FR 10267, is extended. Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0738, must be received on or before May 5, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0738, through the Federal eRulemaking Portal at *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. To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room were closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jeffrey Putt, Existing Chemicals Risk Management Division (Mail Code 7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3703; email address: *putt.jeffrey@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: This document extends the public comment period established in the **Federal Register** document of February 19, 2021 (86 FR 10267) (FRL–10019–82), for 30 days, from April 5, 2021 to May 5, 2021. In that document, EPA announced the availability of and solicited public comment on a manufacturer request for a risk evaluation of OTNE under the Toxic Substances Control Act (TSCA). More information on the manufacturer request, risk evaluations under TSCA, and EPA's solicitation of comment can be found in the **Federal Register** issue of February 19, 2021.

An extension of the comment period was requested by stakeholders to allow interested parties additional time to thoroughly review the inclusion of any additional conditions of use and potentially exposed or susceptible subpopulations. The Agency is in the process of broadly re-examining how it intends to implement these and other provisions of amended TSCA including determining how new executive orders and other direction provided by the Biden-Harris Administration will be addressed. EPA agrees that an extension of the comment period is warranted.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES**. If you have questions, consult the technical persons listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: March 24, 2021.

Michal Freedhoff,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2021–06495 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R03–OAR–2021–0237; FRL–10022–17–Region 3]

Access to Confidential Business Information by Booz Allen Hamilton Inc., Subcontractor of Contractor Arctic Slope Mission Services, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of subcontractor access to confidential business information.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is allowing Booz Allen Hamilton Inc. of McLean, VA, subcontractor of contractor Arctic Slope Mission Services, LLC of Beltsville, MD, to access information which has been submitted to EPA under the environmental statutes administered by the Agency at its Region 3 offices. Some of the information may be claimed

or determined to be confidential business information.

DATES: Comments must be received on or before April 26, 2021. Access to the confidential data began on or about February 15, 2017 and September 29, 2017.

ADDRESSES: You may submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: klotz.michaelk@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2021–0237. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov,* or email. The federal website, *https://www.regulations.gov,* is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to the EPA contact person listed in the notice for assistance. If you need assistance in a language other than English, or you are a person with disabilities who needs a reasonable accommodation at no cost to you, please reach out to the EPA contact person by email or telephone.

FOR FURTHER INFORMATION CONTACT: Michael Klotz, (215) 814–5382; email address: *klotz.michaelk@epa.gov;* mailing address: EPA Region 3, Mission Support Division (Mail Code 3MD50), 1650 Arch Street, Philadelphia, PA 19103.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the general public. This action may, however, be of interest to anyone who submitted what may be determined to be confidential business information to EPA Region 3. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

All documents in the docket are listed in the *https://www.regulations.gov* index, under docket identification number EPA–R3–OAR–2021–0237. Although listed in the index, some information might not be publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are accessible electronically through *https://www.regulations.gov.*

II. What action is the Agency taking?

EPA Region 3 manages records for all its divisions using the support of contractors and subcontractors. The contractors and subcontractors assist with indexing and filing both physical and digital records, and with determining the disposition of records to ensure compliance with the Federal Records Act. Under EPA contract EP–W17–011 (the contract), and EPA Region 3 task orders 0037 and 0054, Arctic Slope Mission Services, LLC (ASMS) of 7000 Muirkirk Meadows Drive, Suite 100, Beltsville, MD 20705, is responsible for reviewing, sorting, filing, and indexing records, and identifying files as closed, active, or inactive, to determine whether they should be disposed of or stored at either the EPA Region 3 offices or the Federal Records Center. Pursuant to its contract, ASMS entered into a subcontract with Booz Allen Hamilton Inc. (BAH) of 8283 Greensboro Drive, Mclean, VA 22102. BAH is responsible for performing under these task orders. Task order 0037 concerns records for the Office of Regional Counsel and records for the Hazardous Site Cleanup Division, now called the Superfund and Emergency Management Division, while task order 0054 addresses all other regional records.

EPA has permitted, and will continue to permit, BAH personnel to have access to information submitted to EPA under the statutes administered by the Agency. Some of the information may be claimed or determined to be CBI. In accordance with 40 CFR 2.301(h)(2)(i) (Clean Air Act (CAA)), and any provisions from 40 CFR 2.302 through2.310 incorporating 40 CFR 2.301(h)(2)(i) (Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)), 40 CFR 2.306(j) (Toxic Substances Control Act (TSCA)), 40 CFR 2.307(h)(3) (Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)), 40 CFR 2.308(i) (Federal Food, Drug and Cosmetic Act (FDCA)), 40 CFR 350.23(b) (Emergency Planning and Community Right-to-Know Act (EPCRA)), EPA has determined that under task orders 0037 and 0054, BAH requires access to CBI submitted to EPA, to perform successfully the duties required under the task orders.

Among the procedures established by EPA's confidentiality regulations for granting access to CBI is prior notification to the submitters of CBI that BAH will have access to this information. See 40 CFR 2.301(h)(2)(iii) for information submitted under the CAA, corresponding provisions of 40 CFR 2.302 through 2.311 for information submitted under the CWA, SDWA, RCRA, TSCA, FIFRA, FDCA, CERCLA, and 40 CFR 350.23 for EPCRA. This notification is intended to fulfill that requirement. EPA Region 3 has permitted BAH personnel access to this information prior to publishing this document. All access to CBI under the contract and task orders has occurred and will continue to occur in accordance with EPA's polices and regulations for the handling of CBI at the EPA Region 3 offices located at 1650 Arch Street, Philadelphia, PA, 410 Severn Avenue, Annapolis, MD 21403–2567, 701 Mapes Road, Ft. Meade, MD 20755–5350, and 1060 Chapline Street, Suite 303, Wheeling, WV 26003–2995. The contract and task orders include terms that require the proper treatment and safeguarding of CBI. As BAH is responsible for performing under task orders 0037 and 0054, its personnel have access to CBI pursuant to those task orders. BAH personnel sign nondisclosure agreements and are briefed on appropriate security procedures before they are permitted access to CBI. In addition, they attend annual, mandatory training on the proper treatment and protection of CBI.

BAH access to CBI for task order 0037 began on February 15, 2017 and will expire on February 14, 2022, if all four option years are exercised. BAH access to CBI for task order 0054 began on September 29, 2017 and will expire on September 28, 2022, if all four option years are exercised. If the contract or task orders are further extended, this access will also continue for the duration of the extension without further notice.

Catharine McManus,

Mission Support Division Director, Region 3.

[FR Doc. 2021–06931 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0076; FRL–10020–64–OAR]

Alternative Method for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Application From Fiat Chrysler Automobiles NV (FCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is requesting comment on an application from Fiat Chrysler Automobiles NV (FCA) for off-cycle carbon dioxide (CO_2) credits under EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' CO_2 credits. Under the regulations, a manufacturer may apply for CO_2 credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. FCA has submitted an application that describes a methodology for determining off-cycle credits from technologies described in their application. Pursuant to applicable regulations, EPA is making this off-cycle credit calculation methodology available for public comment.

DATES: Comments must be received on or before May 5, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2021–0076 to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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, 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.*

FOR FURTHER INFORMATION CONTACT: Linc Wehrly, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4286. Fax: (734) 214–4869. Email address: *wehrly.linc@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, if the technologies meet EPA regulatory definitions. In cases where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option to demonstrate reductions that exceed those available via use of the predetermined list. Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

In addition, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the

[1] See 40 CFR 86.1869–12(b).

[2] See 40 CFR 86.1869–12(c).

[3] See 40 CFR 86.1869–12(d).

technology for the full useful life of the vehicle.

- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the FTP and HFET compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, an application for credits using an alternative methodology submitted to EPA for consideration must be made available for public comment, unless EPA has previously approved the alternative methodology for determining credits and has chosen to waive the notice and comment period for an application that meets the regulatory requirements for such a waiver. Further, EPA retains the option to require a notice and opportunity for public comment in cases where a new application deviates in significant respects from a previously approved methodology or raises novel substantive issues.[4] EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Application

Active Climate Control Seat Technology

Using the alternative methodology approach discussed above, FCA is requesting off-cycle greenhouse gas (''GHG'') credits for the use of a Gentherm active climate control seating (''ACCS'') technologies. The company's analysis in their application yields a GHG credit equal to 2.3 grams CO_2 per mile for passenger cars and 2.9 grams CO_2 per mile for trucks on vehicles equipped with this technology in the front seating locations.

Active seat ventilation credits were defined in the 2017–2025 light duty greenhouse gas and CAFE rulemaking and were added to the predefined list of credits that could be claimed at 1.0 grams CO_2 per mile and 1.3 grams CO_2 per mile for trucks. The credits and their values were determined in a 2005 study performed by researchers from the National Renewable Energy Laboratory (''NREL'') in which they evaluated a seat ventilation system that used two small fans to pull air through the seat. When occupant comfort is achieved the air conditioning system no longer needs to work as hard to cool down the cabin. This translates to lowered air conditioning consumption and lower GHG emissions due to lowered air conditioning consumption while improving occupant comfort.

The NREL study was published as an SAE technical paper in 2007 available at *https://www.sae.org/publications/technicalpapers/content/2007-01-1194/.* More recent advances in ventilated seat technology offer higher levels of performance in current vehicles over the simpler ventilated seat system that was the subject of the 2005 NREL study. The active climate-controlled seat technology developed by Gentherm and used in FCA premium products was subsequently evaluated by Gentherm in cooperation with NREL using comparable methodologies to those employed by NREL in 2005. The more advanced Gentherm ACCS system provides a greater level of comfort resulting in lower air conditioning consumption and air conditioning related emissions through the use of its active cooling technology. Details are provided in the application by FCA.

FCA's request is for approval of similar methodology and for the same amount of credits per vehicle granted in the General Motors request to EPA for off-cycle.

Credit dated September 29, 2017 and subsequently granted in EPA decision document EPA–420–R–18–014. Details of FCA's analysis and the approved request by General Motors can be found in the corresponding the manufacturer's applications.

III. EPA Decision Process

EPA has reviewed the application for completeness and is now making the application available for public review and comment as required by the regulations. The off-cycle credit application submitted by the manufacturer (with confidential business information redacted) has been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *https://www.epa.gov/vehicle-and-engine-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.*

EPA is providing a 30-day comment period on the application for off-cycle credits described in this notice, as specified by the regulations. The manufacturer may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by the manufacturer, EPA will make a final decision regarding the credit request. EPA will make its decision available to the public by placing a decision document on EPA's website at the same manufacturer-specific page described above.

Byron Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2021–06919 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

[4] See 40 CFR 86.1869–12(d)(2).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–38–Region 9]

United States-Mexico-Canada Agreement Mitigation of Contaminated Transboundary Flows Project

ACTION: Notice of intent to prepare an environmental impact statement; notice of virtual public scoping meetings; request for comments.

SUMMARY: In accordance with the National Environmental Policy Act, the U.S. Environmental Protection Agency (EPA) will prepare an environmental impact statement (EIS) for the proposed United States-Mexico-Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows project (the Project). The USMCA Project involves the planning, design, and construction of infrastructure to reduce transboundary flows of untreated wastewater (sewage), trash, and sediment that routinely enter the U.S. from Mexico via the Tijuana River, its tributaries, and across the maritime boundary along the San Diego County coast. These transboundary flows impact public health and the environment and have been linked to beach closures along the San Diego County coast. EPA intends to evaluate project options located in the Tijuana River area in southern San Diego County, California in the U.S. and in the Tijuana region in Mexico. This notice initiates the scoping process by inviting comments from federal, state, and local agencies; Native American tribes; interested stakeholders; and the public to help identify the environmental issues and project options to be examined in the EIS. EPA is also

providing notice of the public scoping meeting that is open to all interested parties.

DATES: The scoping meeting will be held virtually on April 20, 2021, 6:00 p.m. to 8:00 p.m. Pacific Daylight Time (PDT). A formal presentation will begin at 6:15 p.m., followed by the public comment period. Written public comments are due to EPA by 5:00 p.m. (PDT) on May 20, 2021. Please go to: *https://www.epa.gov/sustainable-water-infrastructure/usmca-tijuana-river-watershed* for more information regarding the public scoping meeting.

ADDRESSES: Written comments shall be submitted to the following email address: *Tijuana-Transboundary-EIS@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Thomas Konner, 415–972–3408, *Konner.Thomas@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: EPA, in accordance with the National Environmental Policy Act (42 U.S.C. 4321–4370h), the Council on Environmental Quality National Environmental Policy Act Implementing Regulations (40 CFR parts 1500–1508), and EPA Procedures for Implementing the National Environmental Policy Act (40 CFR part 6), will prepare an EIS for the USMCA Project. EPA invites public comment on the proposed scope of the EIS, the project options considered, specific environmental issues to be evaluated in the EIS, relevant information and analyses, and the potential impacts of the project options.

The San Diego-Tijuana region has faced persistent transboundary flows of contaminated wastewater originating in Mexico for many years. The three primary entryways of these transboundary flows into the U.S. are in coastal waters of the Pacific Ocean, the Tijuana River, and tributaries flowing north through canyons to the Tijuana River. Seasonal marine currents cause coastal discharges of largely untreated wastewater (sewage) from the Tijuana area to migrate north along the Pacific Ocean coast into the U.S. These discharges impact southern San Diego County beaches, especially during the summer. Additionally, transboundary flows in the Tijuana River and its canyon tributaries routinely reach the U.S., bringing untreated wastewater (sewage), trash, and sediment pollution into the U.S. These contaminated flows can reach the Pacific Ocean through the Tijuana River Estuary and migrate north along the coast, compounding the impacts of coastal discharges from the Tijuana area. Collectively, these polluted transboundary flows impact the environment and public health in communities along the border and the coast, public access to beaches and recreational opportunities in southern California, and the personnel and activities of the U.S. Customs and Border Protection and U.S. Navy.

For several years, EPA has engaged with agencies, elected officials, and stakeholder groups in the San Diego-Tijuana region in both the U.S. and Mexico to address transboundary pollution issues. In January 2020, Congress passed the USMCA Implementation Act, which appropriated funds to EPA under Title IX of the Act for implementation of wastewater infrastructure projects at the U.S.-Mexico border. Subtitle B, Section 821 of the Act authorized EPA to plan, design, and construct wastewater (including stormwater) treatment projects in the Tijuana River area. Per USMCA legislation, EPA established a steering group consisting of federal, state, and local Eligible Public Entities and solicited their input in identifying a set of project options to be considered for evaluation in an EIS. It is possible that EPA's Border Water Infrastructure Program may also be utilized to fund and carry out activities under this action.

Purpose and Need for the Proposed Action: In accordance with the Clean Water Act and the USMCA Implementation Act, the purpose and need of this action is to reduce transboundary flows from Tijuana that cause adverse public health and environmental impacts in the Tijuana River area and neighboring coastal areas in the U.S. as described in the preceding section.

Preliminary Proposed Action and Alternatives: The proposed action will include projects that address the purpose and need stated above by:

- Reducing the generation and/or discharge of contaminated flows from point and nonpoint sources of pollution in the Tijuana region,
- Improving the collection and/or treatment of contaminated flows in the Tijuana region before they reach the U.S.-Mexico border, and/or
- Improving the collection and/or treatment of contaminated transboundary flows in the U.S.

EPA has identified a set of 10 project options that have the potential (individually or in combination) to address the purpose and need stated above. While EPA has not yet identified the alternatives to be evaluated in the EIS, EPA anticipates that each alternative (including the preferred alternative) will consist of one or more project options. These 10 project options are: (1) New Tijuana River Diversion System in the U.S. and Treatment in the U.S.; (2) Expand and Upgrade Tijuana River Diversion System in Mexico and Provide Treatment in the U.S.; (3) Treat Wastewater from the International Collector at the South Bay International Wastewater Treatment Plant (ITP); (4) Shift Wastewater Treatment of Canyon Flows to U.S. (via Expanded ITP or South Bay Water Reclamation Plant [SBWRP]) to Reduce Flows to San Antonio de los Buenos Wastewater Treatment Plant (SAB); (5) Enhance Mexico Wastewater Collection System to Reduce Flows into Tijuana River; (6) Construct New Infrastructure to Address Trash and Sediment; (7) Divert or Reuse Treated Wastewater from Existing Wastewater Treatment Plants in Mexico to Reduce Flows into the Tijuana River; (8) Upgrade SAB to Reduce Untreated Wastewater to Coast; (9) Treat Wastewater from the International Collector at the SBWRP; and (10) Sediment and Trash Source Control. Descriptions of the 10 project options, some of which encompass multiple sub-projects and variations, can be found on the project website at *https://www.epa.gov/sustainable-water-infrastructure/usmca-tijuana-river-watershed.* EPA is currently evaluating the technical and financial feasibility of each project option and may decide to pursue one or more of these project options or subcomponents of these options through a separate NEPA process. EPA will also evaluate a No-Action alternative in the EIS. Under the No-Action alternative, EPA would not construct any of the above project options to address transboundary flows from Mexico to the Tijuana River area or neighboring coastal areas in the U.S.

Summary of Expected Impacts: The proposed action is expected to have beneficial impacts to public safety and water quality in the Tijuana River area and the neighboring coastal areas. The project options cover a large geographic area and may potentially impact a broad range of resource areas including air quality, water resources, hazardous and toxic material and waste, ambient sound, biological resources (including critical habitat), geology and soils, health and safety, land and shoreline use, recreation, aesthetics, historical and cultural resources, transportation, public services and utilities, climate change, and socioeconomic resources (including environmental justice). The effects of these expected impacts will be analyzed in the EIS.

Anticipated Permits and Authorization: The proposed action may require federal authorizations and

permits pursuant to the Endangered Species Act, the Clean Water Act, the National Historic Preservation Act, and the Coastal Zone Management Act.

Schedule for the Decision-Making Process: The EIS is expected to be completed no later than 24 months from the publication of this notice in the **Federal Register**. Based on the record of decision and the selected alternative, EPA will determine project award and construction schedules as appropriate.

Public Scoping Process: EPA has established a 45-day public comment period for the scoping process. The public scoping period begins with the publication of this Notice and concludes May 20, 2021. EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on:

- The scope of this EIS;
- The range of project options considered;
- Identification of potential alternatives, information, and analyses relevant to the proposed action;
- Identification of reasonably foreseeable environmental trends and planned actions in the project area(s);
- Specific environmental issues to be evaluated in the EIS; and
- The potential impacts of the proposed project options.

The scoping meeting will be held virtually on April 20, 2021. Consult the **DATES** section above for further information on the scoping meeting. All interested parties are encouraged to attend.

With this Notice of Intent, EPA is asking federal, state, Native American, and local agencies with jurisdiction or special expertise with respect to environmental issues in the project area to formally cooperate with EPA in the preparation of the EIS.

Estimated Date of Draft EIS Release: Once the scoping process is complete, EPA will prepare a draft EIS and will publish a **Federal Register** notice announcing its public availability. EPA will provide the public with an opportunity to review and comment on the draft EIS. After EPA considers those comments, EPA will prepare the final EIS and similarly announce its availability and solicit public review and comment. Comments received during the draft EIS review period will be made available in the final EIS. The draft EIS is expected to be released in December 2021.

Dated: March 26, 2021.

Deborah Jordan,

Acting Regional Administrator, Region 9.

[FR Doc. 2021–06903 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R03–OAR–2021–0238; FRL–10022–18–Region 3]

Access to Confidential Business Information by Contractor SafeGuard Document Destruction Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of contractor access to confidential business information.

SUMMARY: The Environmental Protection Agency (EPA) has authorized SafeGuard Document Destruction Inc. of Perrineville, NJ to access information which has been submitted to EPA under the environmental statutes administered by the Agency at its Region 3 offices. Some of the information may be claimed or determined to be confidential business information.

DATES: Comments must be received on or before April 26, 2021. Access to the confidential data began on or about July 7, 2020.

ADDRESSES: You may submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: Schwartz.Kathy@epa.gov*

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2021–0238. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov,* or email. The federal website, *https://www.regulations.gov,* is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to the EPA contact person listed in the notice for assistance. If you need assistance in a language other than English, or you are a person with disabilities who needs a reasonable accommodation at no cost to you, please reach out to the EPA contact person by email or telephone.

FOR FURTHER INFORMATION CONTACT: Kathy Schwartz, (215) 814–5332; email address: *Schwartz.Kathy@epa.gov;* address: EPA Region 3, Mission Support Division (Mail Code 3MD20), 1650 Arch Street, Philadelphia, PA 19103.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the general public. This action may, however, be of interest to anyone who submitted what may be determined to be CBI to EPA Region 3. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

All documents in the docket are listed in the *https://www.regulations.gov* index, under docket identification number EPA–R3–OAR–2021–0238. Although listed in the index, some information might not be publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are accessible electronically through *https://www.regulations.gov.*

II. What action is the agency taking?

EPA Region 3 is shredding its records that are no longer required to be retained or stored under the Federal Records Act or otherwise required to be retained. EPA is performing this shredding using the support of a contractor. Under EPA contract GS–

03F–065BA (the contract), SafeGuard Document Destruction Inc. (SDD) of 800 Rike Drive, Suite A, Perrineville, NJ 08535, is responsible for providing locked bins and for shredding the hard copy records which the agency has identified for disposal at two of its regional offices—regional headquarters at 1650 Arch Street, Philadelphia, PA 19103 and the Chesapeake Bay Program Office at 410 Severn Avenue, Suite 109, Annapolis, MD 21403. Records that contain CBI may be included among those being shredded.

EPA will permit SDD personnel to have access to locked disposal bins which contain information submitted to EPA under the statutes administered by EPA Region 3. Some of the information may be claimed or determined to be CBI. In accordance with 40 CFR 2.301(h)(2)(i) (Clean Air Act (CAA)), and any provisions from 40 CFR 2.302 through 2.310 incorporating 40 CFR 2.301(h)(2)(i) (Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)), 40 CFR 2.306(j) (Toxic Substances Control Act (TSCA)), 40 CFR 2.307(h)(3) (Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)), 40 CFR 2.308(i) (Federal Food, Drug and Cosmetic Act (FDCA)), 40 CFR 350.23(b) (Emergency Planning and Community Right-to-Know Act (EPCRA)), EPA has determined that SDD requires access to locked disposal bins which may contain CBI submitted to EPA, to perform successfully the duties required to carry out the contract.

Among the procedures established by EPA's confidentiality regulations for granting access to CBI is prior notification to the submitters of CBI that SDD may have access to this information. See 40 CFR 2.301(h)(2)(iii) for information submitted under the CAA, corresponding provisions of 40 CFR 2.302 through 2.311 for information submitted under the CWA, SDWA, RCRA, TSCA, FIFRA, FDCA, CERCLA, and 40 CFR 350.23 for EPCRA. This notification is intended to fulfill that requirement. EPA Region 3 has permitted SDD personnel access to this information prior to publishing this document. All potential access to CBI under the contract has and will continue to occur at the two EPA Region 3 offices located in Philadelphia and Annapolis. EPA Region 3 is implementing the following procedures to ensure the security of the files identified for disposal and the information therein. First, EPA personnel deposit records that are ready for disposal into locked bins located at either of the two EPA Region 3 offices. Next, during normal business hours, SDD travels to the appropriate EPA Region 3 office building with its shredding apparatus and is escorted into the building by EPA personnel to retrieve the locked bins. Accompanied by EPA personnel, SDD conducts onsite shredding of the contents of the bins immediately after unlocking and emptying them into the shredding apparatus. The contract prohibits SDD personnel from viewing, inspecting, examining, or copying the materials identified for shredding and requires SDD to safeguard such information. Additionally, SDD is prohibited from transporting or shredding any records offsite.

SDD's potential access to CBI under the contract began on or about July 7, 2020 and will expire on October 31, 2021. If the contract is further extended, this access will also continue for the duration of the extension without further notice.

Catharine McManus,

Mission Support Division Director, Region 3.

[FR Doc. 2021–06932 Filed 4–2–21; 8:45 am]

BILLING CODE 6560–50–P

EXPORT–IMPORT BANK OF THE UNITED STATES

Sunshine Act Meetings; Notice of an Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

TIME AND DATE: Thursday, April 15, 2020 at 9:30 a.m.

PLACE: The meeting will be held via Teleconference.

STATUS: The meeting will be open to public observation by teleconference.

MATTERS TO BE CONSIDERED:

Item No. 1—Small Business COVID–19 (Coronavirus) Temporary Relief Measures Update

Item No. 2—Transportation Extension of COVID–19 Relief Measures:

(a) Bridge-Backstop Financing Program

(b) Pre-Delivery—Pre-Export Financing Program

CONTACT PERSON FOR MORE INFORMATION:

For further information, contact Joyce Stone, Office of the General Counsel, 811 Vermont Avenue NW, Washington, DC 20571 (*joyce.stone@exim.gov*).

Members of the public who wish to attend the meeting may register for the meeting at *https://attendee.gotowebinar.com/register/6726874125408808459.*

Joyce Stone,

Assistant Corporate Secretary.

[FR Doc. 2021–07063 Filed 4–1–21; 4:15 pm]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[PS Docket No. 11–60; DA 21–362; FRS 18927]

Public Safety and Homeland Security Bureau Seeks Comment on Wireless Service Providers' Safety Measures for Their Customers During Disasters in Connection With the Consolidated Appropriations Act of 2021

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Public Safety and Homeland Security Bureau (Bureau) seeks comment on recent efforts by mobile wireless service providers to improve network resiliency in order to inform a report to Congress.

DATES: Comments are due on or before April 26, 2021.

ADDRESSES: You may submit comments, identified by PS Docket No. 11–60, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Federal Communications Commission's ECFS website: *http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings at its headquarters. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the

transmission of COVID19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, 35 FCC Rcd 2788 (OMD 2020), *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-handdelivery-policy.*

- All hand-carried documents should be delivered to the Secretary's Office at 9050 Junction Drive, Annapolis Junction, MD 20701.

FOR FURTHER INFORMATION CONTACT: Amanda Farenthold, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, (202) 418–1592, *Amanda.Farenthold@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, *Public Notice,* DA 21–362, in PS Docket Nos. 11–60, released on March 26, 2021. The full text of this document is available for public inspection and can be downloaded at *https://docs.fcc.gov/public/attachments/DA-21-362A1.pdf* or by using the Commission's ECFS web page at *www.fcc.gov/ecfs.*

People with Disabilities: 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 & Governmental Affairs Bureau at 202–418–0530 (voice).

Ex Parte Rules: The proceeding this petition initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

On March 26, 2021, the Bureau released a Public Notice seeking comment on specific measures mobile wireless service providers have taken in recent years to improve network resilience during natural disasters, in order to inform a report to Congress, as contemplated by the *Explanatory Statement* accompanying the Consolidated Appropriations Act of 2021. The *Explanatory Statement* accompanying the Act expressed ''concer[n] about the resiliency of wireless phone networks during natural disasters, including wildfires,'' and sought a report from the Commission ''on the type of safety measures wireless carriers have for their customers.''

The Bureau asks commenters to address how mobile wireless service providers have improved network reliability in the face of natural disasters. How have these efforts have improved the public's safety during natural disasters? Overall, what resiliency measures are most effective? How can these measures be improved? How have customers responded to new measures? The Bureau specifically seeks comment on steps wireless mobile providers have taken to ensure network resiliency, including but not limited to: Back up power in areas prone to planned power outages to mitigate wildfires; pre-storm staging processes; roaming agreements that can be activated quickly following a natural disaster; effective coordination with power companies, municipalities, and backhaul providers; diversification of backhaul options in disaster prone areas; availability of deployable network assets; network infrastructure sharing among operators during natural disasters; and communicating disaster-related information with customers, particularly members of vulnerable populations, including individuals who are low-income, members of the disabilities community, or non-English speaking. Are there successful network resiliency policy measures for fixed networks that have been applied to wireless networks, especially given that much of the backhaul for wireline providers is the same as wireless providers? The Bureau also seeks comment on cost and benefit issues associated with implementing measures to maintain and improve resiliency of mobile wireless networks. associated with maintaining and improving resiliency.

The Bureau intends to use these responses to update the Commission's existing record on wireless resiliency and help inform its report to Congress.

Federal Communications Commission.

Lisa Fowlkes

Chief, Public Safety and Homeland Security Bureau.

[FR Doc. 2021–06925 Filed 4–2–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, April 8, 2021 at 11:30 a.m.

PLACE: Virtual meeting.

Note: because of the COVID–19 pandemic, we will conduct the open meeting virtually. If you would like to access the meeting, see the instructions below.

STATUS: This meeting will be open to the public. To access the virtual meeting, go to the commission's website *www.fec.gov* and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2021–04: Pray.com

Proposed Modifications to Program for Requesting Consideration of Legal Questions by the Commission (LRA 1129)

Proposed Amendment to Directive 17

Draft Statement of Policy Regarding Closing the File at the Initial Stage in the Enforcement Process

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Laura E. Sinram,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2021–07093 Filed 4–1–21; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

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 the BHC Act (12 U.S.C. 1842(c)).

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 May 5, 2021.

A. *Federal Reserve Bank of San Francisco* (Sebastian R. Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *Peak Bancorp, Inc., McCall, Idaho;* to become a bank holding company by acquiring Idaho First Bank, McCall, Idaho.

Board of Governors of the Federal Reserve System, March 31, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–06944 Filed 4–2–21; 8:45 am]

BILLING CODE 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 April 20, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The Bank Share Marital Trust under the R. James Gesell Declaration of Trust dated January 13, 2000, as amended (Bank Share Marital Trust), and Andrew J. Gesell, individually and as co-trustee with Heidi R. Gesell of the Bank Share Marital Trust, all of St. Paul, Minnesota;* to acquire additional voting shares of Cherokee Bancshares, Inc., and thereby indirectly acquire additional voting shares of BankCherokee, both of St. Paul, Minnesota. Additionally, Bank Share Marital Trust; Charles R. Gesell, individually and as trustee of the Charles R. Gesell Trust Declaration under agreement dated December 30, 1999, both of Santa Rosa, California; and Peter J. Gesell, individually and as trustee of the Peter J. Gesell Trust Declaration under agreement dated December 30, 1999, both of Duluth, Minnesota; to join the Gesell Family Shareholder Group, a group acting in concert, to acquire additional voting shares of Cherokee Bancshares, Inc., and thereby indirectly acquire voting shares of BankCherokee.

2. *DDS Trust, Preston B. Steele as trustee, both of Huron, South Dakota;* to acquire voting shares of Leackco Bank Holding Company, Inc., Huron, South Dakota, and thereby indirectly acquire voting shares of American Bank & Trust, Wessington Springs, South Dakota

B. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org*:

1. Dennis Randall Aucoin, Slaughter, Louisiana; to retain voting shares of Clinton Bancshares, Inc., and thereby indirectly retain voting shares of Landmark Bank, both of Clinton, Louisiana.

2. Lynette Elaine Ligon, Robert David Ligon, both of Clinton, Louisiana; and Alison Leslie Ligon, Ethel, Louisiana; to join the Ligon Family Control Group, a group acting in concert, to retain voting control of Clinton Bancshares, Inc., and thereby indirectly retain voting shares of Landmark Bank, both of Clinton, Louisiana.

Board of Governors of the Federal Reserve System, March 30, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–06888 Filed 4–2–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[60Day–21–21EB; Docket No. ATSDR–2021–0004]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction

Act of 1995. This notice invites comment on a proposed information collection project titled ''Evaluating the Association between Serum Concentrations of Per- and Polyfluoroalkyl Substances (PFAS) and Symptoms and Diagnoses of Selected Acute Viral Illnesses.'' The proposed study will examine the relationship between PFAS serum levels and susceptibility to certain acute viral illnesses, including but not limited to COVID–19.

DATES: ATSDR must receive written comments on or before June 4, 2021.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2021–0004 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. ATSDR will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Evaluating the Impact of Per- and Polyfluoroalkyl Substances (PFAS) Exposure on Susceptibility to Viral Infection—New—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

Per- and poly-fluoroalkyl substances (PFAS) are a large, diverse group of thousands of chemicals. They have been used extensively in a wide range of industrial and consumer applications. Epidemiological studies have evaluated the associations between PFAS exposure and health effects in humans. Evidence from studies in occupationally exposed populations, residential populations exposed to higher levels of PFAS in drinking water, and studies in the general population suggest associations between PFAS and several health outcomes. Exposure to PFAS is nearly ubiquitous in the United States.

Epidemiological studies suggest that PFAS exposure may impact the immune system and susceptibility to viral infections; however, there is little consistency in the results of studies on PFAS exposure and infectious disease. The coronavirus disease 2019 (COVID–19) pandemic presents a unique concern and opportunity to explore this association. If PFAS affect the immune system, it is possible that they could affect susceptibility to infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV–2), the virus that causes COVID–19, or could affect severity of COVID–19.

In 2019 and 2020, the Agency for Toxic Substances and Disease Registry (ATSDR) conducted statistically based biomonitoring PFAS exposure assessments (EAs) in eight communities that had documented exposures to PFAS in drinking water. ATSDR also supported two EAs that were designed to test the PFAS Exposure Assessment Technical Tools (PEATT). PFAS concentrations were measured in serum collected from EA and PEATT assessment participants, and a questionnaire was administered to gather information to characterize each individual's exposure. These communities were investigated under ''Per- or Polyfluoroalkyl Substances Exposure Assessments [PFAS EAs]'' (OMB Control No. 0923–0059, expiration date 06/30/2022).

During the same period, ATSDR initiated a health study at the Pease International Tradeport that included measurement of PFAS serum levels and collection of information about individual exposures in participants under ''Human Health Effects of Drinking Water Exposures to Per- and Polyfluoroalkyl Substances (PFAS) at Pease International Tradeport, Portsmouth, NH (The Pease Study)'' (OMB Control No. 0923–0061, expiration date 08/31/2022).

This a new two-year ATSDR information collection request (ICR) for a collaborative study between the National Center for Environmental Health (NCEH) and ATSDR. This follow-up study will recruit participants who were participated in a previous ATSDR-funded study, who have existing PFAS serum measurements, and who have given prior consent for additional contact from NCEH/ATSDR. We anticipate that the total number of participants enrolled in the NCEH/ATSDR cohorts will be around 4,075 individuals (3,300 adults and 775 children). This study will attempt to enroll the entire universe of eligible participants; therefore, our target sample size is 4,075. The cohorts have a substantial number of participants with high PFAS exposure, as well as a sufficient range of serum PFAS concentrations to allow examination of associations between the outcomes and across a wide range of PFAS exposures.

The objectives are the following: (1) To examine the association between PFAS concentrations in serum collected from existing ATSDR cohorts and the frequency of occurrence of selected syndromes (combinations of self-reported symptoms), which will be used as a proxy for viral infections; and, (2) to examine the association between PFAS concentrations in serum collected from existing ATSDR cohorts and self-reported positive test results indicating specific viral infections.

During the first three months of the two-year study period, NCEH/ATSDR will invite and consent approximately 4,075 participants (3,300 adults and 775 children) to complete a new series of questionnaires to determine whether PFAS exposure increases susceptibility to viral infections, including, but not limited to, COVID–19. Data will be collected from those who enroll in the study through an initial paper-based questionnaire and a series of four additional questionnaires over a 12- to 14-month period. Follow-up questionnaires will be offered in two modes: Web-based and paper-based. It is estimated that 75 percent of the participants will choose the web-based mode. Participants will also be given symptom diaries to improve recall after the initial and between each of the follow-up questionnaires.

The total time burden requested is 12,724 hours annually. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total annual burden (in hr)
Adults	Initial Questionnaire—Adult (paper)	1,650	1	30/60	825
	Follow up Questionnaire—Adult (paper)	412	4	30/60	825
	Follow up Questionnaire—Adult (REDCap)	1,238	4	25/60	2,063
	Symptom Diary	1,650	1	4	6,600
Children (7–17 years)	Initial Questionnaire—Child (paper)	290	1	30/60	145
	Follow up Questionnaire—Child (paper)	72	4	30/60	145
	Follow up Questionnaire—Child (REDCap)	218	4	25/60	363
	Symptom Diary	290	1	4	1,160
Parents of Children (3–6 years).	Initial Questionnaire—Child (paper)	75	1	30/60	38
	Follow up Questionnaire—Child (paper)	24	4	30/60	49
	Follow up Questionnaire—Child (REDCap)	74	4	25/60	123
	Symptom Diary	98	1	4	390
Total					12,724

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–06882 Filed 4–2–21; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS). This meeting is open to the public limited only by the audio (via teleconference) lines available. The public is welcome to listen to the meeting, please use the following URL *https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm* that points to the BSC homepage. Further information and meeting agenda will be available on the BSC website including instructions for accessing the live meeting broadcast.

DATES: The meeting will be held on May 19, 2021, from 11:00 a.m. to 5:30 p.m., EDT.

ADDRESSES: The teleconference access is *https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm.*

FOR FURTHER INFORMATION CONTACT: Sayeedha Uddin, M.D., M.P.H., Executive Secretary, NCHS/CDC, Board of Scientific Counselors, 3311 Toledo Road, Room 2627, Hyattsville, Maryland 20782, Telephone (301) 458–4303; Email *SUddin@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Board is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

Matters To Be Considered: The meeting agenda includes welcome remarks and a Center update by NCHS Director; presentation on National Center for Health Statistics Strategic Planning; presentation on Synthetic Data; presentation on Changes in National Health Interview Survey Data Collection During the COVID–19 pandemic; presentation on Innovation in Vital Statistics: Nowcasting Techniques; and presentation on Division of Health Care Statistics Cloud Migration.

Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–06905 Filed 4–2–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–0792; Docket No. CDC–2021–0032]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Environmental Health Specialists Network (EHS-Net) Program. The goal of this food safety research program is to collect data in retail food establishments that will identify and address environmental factors (*e.g.,* manager food safety certification, equipment condition, etc.) associated with retail-related foodborne illness and outbreaks.

DATES: CDC must receive written comments on or before June 4, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0032 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Environmental Health Specialists Network (EHS-Net) Program—OMB Control No. 0920–0792, Exp. 8/31/2021)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), is requesting a three-year Paperwork Reduction Act (PRA) clearance for a Revision of this generic clearance for Environmental Health Specialists Network (EHS-Net) data collections to support research focused on identifying and addressing the environmental causes of foodborne illness.

An estimated 47.8 million foodborne illnesses occur annually in the United States, resulting in 127,839 hospitalizations, and 3,037 deaths annually. These figures indicate that foodborne illness is a significant problem in the U.S. Reducing foodborne illness requires identification and understanding of the environmental factors that cause these illnesses. We need to know how and why food becomes contaminated with foodborne illness pathogens. This information can then be used to determine effective food safety prevention methods, increase regulatory program effectiveness, and decrease foodborne illness. The purpose of this food safety research program is to identify and understand environmental factors associated with foodborne illness and outbreaks. This program is conducted by the EHS-Net, a collaborative project of CDC, U.S. Food and Drug Administration (FDA), United States Department of Agriculture (USDA), and local and state sites.

Environmental factors associated with foodborne illness include both food safety practices (*e.g.,* inadequate cleaning practices) and the factors in the environment associated with those practices (*e.g.,* worker and retail food establishment characteristics). To understand these factors, we need to collect data from those who prepare food (*i.e.,* food workers) and on the environments in which the food is prepared (*i.e.,* retail food establishment kitchens). Thus, data collection methods for this generic clearance include: (1) Manager and worker interviews or pen-and-paper assessments, and (2) observation of kitchen environments. Both methods allow data collection on food safety practices and environmental factors associated with those practices.

To date, EHS-Net has conducted five studies under this generic clearance. The data from these studies have been disseminated to environmental public health/food safety regulatory programs and the food industry in the form of presentations at conferences and meetings, scientific journal publications, and website postings. The current package is a Revision of the previous PRA clearance from 2018. The sites in which data will be collected differ. CDC funded a renewal of the EHS-Net cooperative agreement in 2020; as a result, one site was dropped from the agreement (California), and one was added (Franklin County, Ohio). The other sites remained the same. These are: Harris County, Texas; Minnesota, New York; New York City, New York;

Rhode Island; Southern Nevada Health District, Nevada; and Tennessee.

The total annual time burden requested will be reduced by 766 hours for reasons described below.

- Although the annual number of restaurants remains the same (n=400), we have reduced the number of respondents from ten to five food workers per restaurant. Thus, the total number of food workers to be interviewed is reduced from 4,000 to 2,000 per year.
- The average time burden for food workers has been reduced from 20 minutes to 17 minutes per response for recruiting, informed consent, and interview. Thus, the total time burden for food workers is reduced from 1,333 to 500 hours per year.
- There are no requested changes to the number of managers; however, their time burden has increased by 200 hours per year. We have transferred the respondent type for observation from health department staff in 2018 to the managers in 2021. Managers incur this additional time burden by allowing health department staff to conduct the observation activities in their establishments. This change does not result in any net difference in overall time burden requested but eliminates one respondent type.

The total estimated annual burden requested is 1,011 hours. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Retail managers	Manager Recruiting Script	889	1	3/60	44
	Manager Interview/Assessment	400	1	30/60	200
	Observation	400	1	30/60	200
Retail food workers	Worker Recruiting Screener and Informed Consent.	2,000	1	2/60	67
	Worker Interview/Assessment	2,000	1	15/60	500
Total					1,011

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–06883 Filed 4–2–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-2021–21DZ; Docket No. CDC–2021–0031]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Harm Reduction Toolkit for Non-Prescription Syringe Sales in Community Pharmacies. The aim of the project is to create harm reduction products that can help: (1) Facilitate greater access to sterile syringes through pharmacy-based non-prescription syringe sales (NPSS), (2) minimize the burden of NPSS distribution on pharmacists, and (3) improve pharmacy personnel's understanding of, and skills with, NPSS efforts.

DATES: CDC must receive written comments on or before June 4, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0031 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Harm Reduction Toolkit for Non-Prescription Syringe Sales in Community Pharmacies—New—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Injection drug use, through shared use of injection equipment, increases risk of acquiring blood borne pathogens such as HIV and hepatitis C virus (HCV). While stopping injection drug use is an optimal goal for preventing transmission of bloodborne pathogens among persons who inject drugs (PWID), it is not always achievable. However, use of sterile needles and syringes, for each injection, can significantly reduce risk of acquiring bloodborne pathogens and access to sterile syringes can reduce needle sharing among PWID.

Community pharmacies are in a unique position to provide access to sterile syringes through non-prescription syringe sales (NPSS). Pharmacies are in this position partly because they are among the most accessible of healthcare settings. In fact, approximately 90% of urban costumers live within two miles of a pharmacy and 70% of rural costumers are within 15 miles of a pharmacy. Pharmacies also have extended hours of operations making them more accessible to patients. While pharmacies represent potential sites for NPSS, education and tools are needed to build pharmacists' NPSS-related skills and to support pharmacists in the delivery of NPSS and other harm reduction services.

The overarching aim of this project is to create harm reduction products that can help: (1) Facilitate greater access to sterile syringes through pharmacy-based NPSS (2) minimize the burden of NPSS distribution on pharmacists, and (3) improve pharmacy personnel's understanding of, and skills with, NPSS efforts. The project will demonstrate how pharmacy personnel can use a contractor developed harm reduction kit for PWID and online training videos for pharmacy personnel on NPSS, for HIV prevention.

CDC requests OMB approval to collect standardized data from an in-field demonstration and evaluation of three contractor developed resources for harm reduction: Harm reduction kit for persons who inject drugs (PWID); online training videos for pharmacists and pharmacy personnel regarding NPSS; and a resource website for PWID. The in-field demonstration and evaluation will take place at 12 project pharmacies over one six-week period. The information collection has three primary components: (1) Online pre-test and post-test surveys (2) number of pharmacy syringe sales and service referrals, and (3) website usage (for the training website and the resource website for PWID). Pharmacy personnel who participate in the in-field demonstration will complete a one-time online pre-test survey and a one-time online post-test survey. The pre-test survey will be completed in the week prior to the participants being given access to the online training videos for pharmacists and pharmacy personnel regarding NPSS and the post-test survey will be completed in the week following the one-week training period. An estimated 60 pharmacy personnel will complete the pre-test and post-test surveys. Data from the pre/post-test surveys will be collected entirely online. The purpose of the surveys is to assess pharmacy personnel's skills and knowledge pertaining to NPSS before and after access to the NPSS online training. Data on pharmacy syringe sales and service referrals (*e.g.,* referrals for HIV testing and substance use treatment) will be collected from each of the 12 participant pharmacies store or log records before and after the one-week training period. Each participant pharmacy's manager will conduct a one-time data collection of aggregated syringe sales and service referrals data from the 30-day period before and after the training period. The purpose of these data is to describe syringe sales and service referrals before and after pharmacy personnel's access to the NPSS online training. Lastly, one project director will determine website usage of the training website and resource locator for PWID. Training website usage data will be paired with the pre-test and post-test surveys and skill scores and analyzed for correlations between usage and knowledge, comfort, and use of NPSS skills. The numbers of syringe customers and service referrals and usage of the resource website for PWID will be described.

CDC requests OMB approval for an estimated 73 annual burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Pharmacists and pharmacy technicians.	Pre-test survey	60	1	30/60	30
Pharmacists and pharmacy technicians.	Post-test survey	60	1	30/60	30
Pharmacy manager	Pharmacy syringe sales and service referrals.	12	1	60/60	12
Project director	Website usage	1	1	15/60	1
Total					73

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–06881 Filed 4–2–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0034]

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment. The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

DATES: The meeting will be held on June 23–24, 2021, from 9:00 a.m. to 5:30 p.m., EDT (times subject to change). Written comments must be received on or before June 24, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0034 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–8, Atlanta, Georgia 30329–4027, Attn: June ACIP Meeting.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the *https://www.regulations.gov* suitability policy will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

Written public comments submitted 72 hours prior to the ACIP meeting will be provided to ACIP members before the meeting.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS–H24–8, Atlanta, Georgia 30329–4027; Telephone: (404) 639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Matters To Be Considered: The agenda will include discussions on cholera vaccine, dengue vaccine, ebola vaccine, hepatitis vaccines, herpes zoster vaccines, influenza vaccines, orthopoxvirus vaccine, pneumococcal vaccine, rabies vaccine and tickborne encephalitis vaccine. Recommendation votes on dengue vaccine, ebola vaccine, influenza vaccines and rabies vaccine are scheduled. Vaccines for Children (VFC) votes on dengue vaccine and influenza vaccines are scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html.*

Meeting Information: The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: *https://www.cdc.gov/vaccines/acip/index.html.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the June 23–24, 2021, ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* no later than 11:59 p.m., EDT, June 18, 2021, according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by June 21, 2021. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to 3 minutes, and each speaker may only speak once per meeting.

Written Public Comment: The docket will be opened to receive written comments on June 1, 2021. Written comments must be received on or before June 24, 2021.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–06904 Filed 4–2–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0036; NIOSH 278]

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following virtual meeting of the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH). This is a virtual meeting. It is open to the public, limited only by web conference lines (500 web conference lines are available). If you wish to attend, please register at the NIOSH website *http://www.cdc.gov/niosh/bsc/* or call (404–498–2581) no later than May 12, 2021. Time will be available for public comment.

DATES: The meeting will be held on May 19, 2021, from 10:00 a.m. to 4:00 p.m., EDT.

ADDRESSES: This is a virtual meeting. You may submit comments, identified by Docket No. CDC–2021–0036; NIOSH–278 by mail. CDC does not accept comments by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket number CDC–2021–0036; NIOSH–278, c/o Sherri Diana, NIOSH Docket Office, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226.

Instructions: All submissions received must include the Agency name and Docket Number. Written public comments received by May 12, 2021, will be provided to the BSC prior to the meeting. Docket number CDC–2021–0036; NIOSH–278 will close May 12, 2021.

FOR FURTHER INFORMATION CONTACT: Emily J.K. Novicki, M.A., M.P.H., Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Avenue, MS V24–4, Atlanta, Georgia 30329–4027, Telephone (404) 498–2581, or email at *enovicki@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors provides guidance to the Director, National Institute for Occupational Safety and Health on research and prevention programs. Specifically, the Board provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board evaluates the degree to which the activities of the National Institute for Occupational Safety and Health: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters To Be Considered: The agenda for the meeting addresses work-related fatigue, specifically the evolution of workplace fatigue research; the NIOSH Center for Work and Fatigue Research; Emerging issues in workplace fatigue and fatigue management in Agriculture, Forestry and Fishing; Fatigue Management: Technological advances and Fatigue Risk Management Systems; COVID–19 and workplace fatigue: Lessons learned and mitigation strategies; and Global perspectives on workplace fatigue and fatigue risk management.

An agenda is also posted on the NIOSH website (*http://www.cdc.gov/niosh/bsc/*).

Meeting Information: It is open to the public, limited only by web conference lines (500 web conference lines are available). Register at the NIOSH website *http://www.cdc.gov/niosh/bsc/* or call (404–498–2581) no later than May 12, 2021.

Public Participation

Comments received are part of the public record and are subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket. CDC does not accept comment by email.

Oral Public Comment: The public is welcome to participate during the public comment period, from 3:00 p.m. to 3:15 p.m., EDT, May 19, 2021. Please note that the public comment period ends at the time indicated above. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come-first served basis. Members of the public who wish to address the BSC NIOSH are requested to contact the Executive Secretary for scheduling purposes (see **FOR FUTHER INFORMATION** above).

Written Public Comment: Written comments will also be accepted from those unable to attend the public session per the instructions provided in the address section above. Written comments received in advance of the meeting will be included in the official record of the meeting. Written comments received by May 12, 2021, will be provided to the BSC prior to the meeting. Docket number CDC–2021–0036; NIOSH–278 will close May 12, 2021.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–06927 Filed 4–2–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6397]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food Labeling; Calorie Labeling of Articles of Food in Vending Machines and Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by May 5, 2021.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://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. The OMB control number for this information collection is 0910–0782. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Labeling; Calorie Labeling of Articles of Food in Vending Machines and Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

OMB Control Number 0910–0782—Extension

This information collection supports FDA regulations under part 101 (21 CFR part 101) and the associated collection instrument Form FDA 3757. The Federal Food, Drug, and Cosmetic Act requires the disclosure of certain calorie labeling of articles of food in vending machines, as well as nutrition information for standard menu items in certain restaurants and retail food establishments. Sections 101.8 and 101.11 (21 CFR 101.8 and 101.11) provides that respondents with a chain of 20 or more locations will disclose nutritional information of certain foods for consumers of food products for the purpose of making informed dietary choices. We also offer registration for respondents who wish to voluntarily participate with this information collection activity, for which we developed Form FDA 3757 entitled ''DHHS/FDA Menu and Vending Machine Labeling Voluntary Registration'' to assist respondents in this regard. To keep the registration active, a respondent renews their registration every other year within 60 days prior to the expiration of the respondent's current registration with FDA, or it will automatically expire.

We use the collection of information to help determine compliance with regulatory requirements. Third-party disclosure requirements are used by consumers of food products for the purpose of making informed dietary choices.

Description of Respondents: Respondents to this collection of information are vending machine operators and restaurants or other similar food establishments that are subject to the requirements of part 101 as well as those entities that voluntarily participate with the provisions of this collection of information.

In the **Federal Register** of December 4, 2020 (85 FR 78334), we published a 60-day notice requesting public comment on the proposed collection of information. Although some general comments were received regarding the applicable labeling requirements, no comments suggested we revise the information collection burden we estimate under 5 CFR 1320.5(a)(1)(B).

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity using Form FDA 3757; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Initial Registration for Vending Machine Labeling; 101.8(d)	13	1	13	2	26
Registration Renewal for Vending Machine Labeling; 101.8(d)	19	1	19	0.5 (30 minutes)	9.5
Initial Registration for Menu Labeling; 101.11(d)	3,559	1	3,559	2	7,118
Registration Renewal for Menu Labeling; 101.11(d)	5,340	1	5,340	0.5 (30 minutes)	2,670
Total					9,823.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of record-keepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Initial Burden (Annualized over 3 years):					
Initial Nutrition Analysis; 101.8(c)(2)(i)(A)	69,017	1	69,017	0.25 (15 minutes)	17,254
Annual Burden:					
Recurring Nutrition Analysis; 101.8(c)(2)(i)(A)	30,059	1	30,059	0.25 (15 minutes)	7,515
Total					24,769

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Calorie Analysis; 101.8(c)(2)(i)	282	11	3,102	1	3,102
Calorie Declaration Signage; 101.8(c)(2)(ii)	3,279	2,122	6,958,038	0.21 (12.5 minutes)	1,461,188

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]—Continued

Activity; 21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Vending Operator Contact Information; 101.8(e)(1)	3,279	125	409,875	0.025 (1.5 minutes).	10,247
Total					1,474,537

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: March 30, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06933 Filed 4–2–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1647]

Science Advisory Board to the National Center for Toxicological Research Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming virtual public advisory committee meeting of the Science Advisory Board to the National Center for Toxicological Research. The general function of the committee is to provide advice and recommendations to the Agency on research being conducted at the National Center for Toxicological Research (NCTR). At least one portion of the meeting will be closed to the public.

DATES: The meeting will be held virtually on May 11, 2021, from 8 a.m. to 5:55 p.m., Central Standard Time, and on May 12, 2021 from 8 a.m. to 11:30 a.m., Central Standard Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/advisory-committees/about-advisory-committees/common-questions-and-answers-about-fda-advisory-committee-meetings.* The meeting will be webcast both days and will be available at the following link: *https://collaboration.fda.gov/nctr1000/.*

FOR FURTHER INFORMATION CONTACT: Donna Mendrick, National Center for Toxicological Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2208, Silver Spring, MD 20993–0002, 301–796–8892, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/advisory-committees* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before joining the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On May 11, 2021, the Science Advisory Board Chair will welcome the participants, and the NCTR Director will provide a Center-wide update on scientific initiatives and accomplishments during the past year. The Science Advisory Board will be presented with an overview of the Science Advisory Board Subcommittee Site Visit Report and a response to this review. The Center for Biologics Evaluation and Research, Center for Drug Evaluation and Research, Center for Devices and Radiological Health, Center for Food Safety and Applied Nutrition, Center for Tobacco Products, and the Office of Regulatory Affairs will each briefly discuss their specific research strategic needs and potential areas of collaboration.

On May 12, 2021, there will be updates from the NCTR Research Divisions and a public comment session. Following an open discussion of all the information presented, the open session of the meeting will close so the Science Advisory Board members can discuss personnel issues at NCTR.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at *https://collaboration.fda.gov/nctr1000/,* and the recording plus transcript will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/advisory-committees/advisory-committee-calendar.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On May 11, 2021, from 8 a.m. to 5:55 p.m., Central Standard Time, and May 12, 2021, from 8 a.m. to 11:30 a.m., Central Standard Time, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person (see **FOR FURTHER INFORMATION CONTACT**) on or before May 4, 2021. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Central Standard Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 26, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 27, 2021.

Closed Committee Deliberations: On May 12, 2021, from 11:30 a.m. to 12 p.m., Central Standard Time, the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussion of information concerning individuals

associated with the research programs at NCTR.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Donna Mendrick at least 14 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/advisory-committees/about-advisory-committees/public-conduct-during-fda-advisory-committee-meetings* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 30, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06930 Filed 4–2–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0405]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Recall Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collections related to Medical Device Recall Authority.

DATES: Submit either electronic or written comments on the collection of information by June 4, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 4, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 4, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–0405 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Recall Authority.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), 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. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) 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, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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.

Medical Device Recall Authority—21 CFR part 810

OMB Control Number 0910–0432—Extension

This collection of information implements section 518(e) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360h(e)) and part 810 (21 CFR part 810), mandatory medical device recall authority provisions. Section 518(e) of the FD&C Act provides FDA with the authority to issue an order requiring an appropriate person, including manufacturers, importers, distributors, and retailers of a device, if FDA finds that there is reasonable probability that the device intended for human use would cause serious, adverse health consequences or death, to: (1) Immediately cease distribution of such device and (2) immediately notify health professionals and device-user facilities of the order and to instruct such professionals and facilities to cease use of such device.

FDA will then provide the person named in the cease distribution and notification order with the opportunity for an informal hearing on whether the order should be amended to require a mandatory recall of the device. If, after providing the opportunity for an informal hearing, FDA determines that such an order is necessary, the Agency may amend the order to require a mandatory recall.

FDA issued part 810 to implement the provisions of section 518 of the FD&C Act. The information collected under the mandatory recall authority provisions will be used by FDA to implement mandatory recalls.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Collection activity—21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Collections Specified in the Order—810.10(d)	2	1	2	8	16
Request for Regulatory Hearing—810.11(a)	1	1	1	8	8
Written Request for Review—810.12(a) and (b)	1	1	1	8	8
Mandatory Recall Strategy—810.14	2	1	2	16	32
Periodic Status Reports—810.16(a) and (b)	2	12	24	40	960
Termination Request—810.17(a)	2	1	2	8	16
Total Hours					1,040

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Collection activity—21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Documentation of Notifications to Recipients—810.15(b)	2	1	2	8	16

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Collection activity—21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notification to Recipients—810.15(a) through (c)	2	1	2	12	24
Notification to Recipients; Followup—810.15(d)	2	1	2	4	8
Notification of Consignees by Recipients—810.15(e)	10	1	10	1	10
Total					42

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimates are based on FDA's experience with voluntary recalls under 21 CFR part 7. FDA expects no more than two mandatory recalls per year, as most recalls are done voluntarily.

21 CFR 810.10(d)—Collections Specified in the Order—(Reporting)—FDA may require the person named in the cease distribution and notification order to submit certain information to the Agency, *e.g.,* distribution information, progress reports.

21 CFR 810.11(a)—Request for Regulatory Hearing—(Reporting)—A request for regulatory hearing regarding the cease distribution and notification order must be submitted in writing to FDA.

21 CFR 810.12(a) and (b)—Written Request for Review—(Reporting)—In lieu of requesting a regulatory hearing under § 810.11, the person named in the cease distribution and notification order may submit a written request to FDA asking that the order be modified or vacated. A written request for review of a cease distribution and notification order shall identify each ground upon which the requestor relies in asking that the order be modified or vacated, address an appropriate cease distribution and notification strategy, and address whether the order should be amended to require a recall of the device that was the subject of the order and the actions required by such a recall order.

21 CFR 810.14—Mandatory Recall Strategy—(Reporting)—The person named in the cease distribution and notification order or a mandatory recall order must develop and submit a strategy to FDA for complying with the order that is appropriate for the individual circumstances.

21 CFR 810.15(a) through (c)—Notifications to Recipients—(Third-Party Disclosure)—The person named in a cease distribution and notification order or a mandatory recall order must promptly notify each health professional, user facility, consignee, or individual of the order.

21 CFR 810.15(b)—Documentation of Notifications to Recipients—(Recordkeeping)—Telephone calls or other personal contacts may be made in addition to, but not as a substitute for, the verified written communication, and shall be documented in an appropriate manner.

21 CFR 810.15(d)—Notification to Recipients; Followup—(Third-Party Disclosure)—The person named in the cease distribution and notification order or mandatory recall order shall ensure that followup communications are sent to all who fail to respond to the initial communication.

21 CFR 810.15(e)—Notification of Consignees by Recipients—(Third-Party Disclosure)—Health professionals, device user facilities, and consignees should immediately notify their consignees of the order.

21 CFR 810.16(a) and (b)—Periodic Status Reports—(Reporting)—The person named in a cease distribution and notification order or a mandatory recall order must submit periodic status reports to FDA to enable the Agency to assess the person's progress in complying with the order. The frequency of such reports and the Agency official to whom such reports must be submitted will be specified in the order.

21 CFR 810.17(a)—Termination Request—(Reporting)—The person named in a cease distribution and notification order or a mandatory recall order may request termination of the order by submitting a written request to FDA. The person submitting a request must certify that he or she has complied in full with all the requirements of the order and shall include a copy of the most current status report submitted to the Agency.

Based on a review of the information collection since our last request for OMB approval, we have made no changes to the burden estimate.

Dated: March 30, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06960 Filed 4–2–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Rural Health Network Development Program, OMB No. 0906–0010—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than May 5, 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: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Health Network Development Program OMB No. 0906–0010—Revision

Abstract: The Rural Health Network Development Program (RHND) is authorized under Section 330A(e) of the Public Health Service Act (42 U.S.C. 254(e)). The purpose of this program is to support integrated rural health care networks that have combined the functions of the entities participating in the network to address the health care needs of the targeted rural community. Recipients will combine the functions of the entities participating in the network to address the following legislative aims: (i) Achieve efficiencies; (ii) expand access, coordinate, and improve the quality of essential health care services; and (iii) strengthen the rural health care system as a whole.

RHND-funded programs promote population health management and the transition towards value-based care through diverse network membership that includes traditional and non-traditional network partners. Evidence of program impacted demonstrated by outcome data and program sustainability are integral components of the program. This is a 3-year competitive program for networks composed of at least three members that are separate existing health care providers or entities.

A 60-day Notice published in the **Federal Register** on November 19, 2020, vol. 85, No. 224, pages 73728–73729. There were no public comments.

Need and Proposed Use of the Information: This program needs measures that will enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993. These measures cover the principal

topic areas of interest to the Federal Office of Rural Health Policy, including: (a) Access to care; (b) population demographics; (c) staffing; (d) consortium/network; (e) sustainability; and (f) project specific domains. All measures will evaluate HRSA's progress toward achieving its goals.

The proposed changes of RHND measures are a result of the accumulation of grantee feedback, peer-reviewed research, and information gathered from the previously approved RHND program measures. The proposed changes include additional questions surrounding the network's components of sustainability. Questions surrounding Health Information Technology and Telehealth have been modified to reflect updated knowledge on the use of both and to improve understanding of how these important technologies are affecting HRSA grantees. Additional National Quality Forum measures were also included in an effort to allow uniform collection efforts throughout the Federal Office of Rural Health Policy.

Likely Respondents: Respondents will be awardees of the Rural Health Network Development Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement and Measurement System Database	44	1	44	6	264
Total	44		44		264

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–06880 Filed 4–2–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Heritable Disorders in Newborns and Children

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with section 1111(g) of the Public Health Service Act and the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC or Committee) has scheduled a public meeting to be held on Thursday, May 13, 2021, and Friday, May 14, 2021. Information about the ACHDNC and the agenda for this meeting can be found on the ACHDNC website at *https://www.hrsa.gov/advisory-committees/heritable-disorders/index.html*.

DATES: Thursday, May 13, 2021, from 10:00 a.m. to 3:00 p.m. Eastern Time (ET) and Friday, May 14, 2021, from 10:00 a.m. to 3:00 p.m. ET.

ADDRESSES: This meeting will be held via webinar. While this meeting is open to the public, advance registration is required.

Please register online at *https://www.achdncmeetings.org/registration/* by 12:00 p.m. ET on May 12, 2021. Instructions on how to access the meeting via webcast will be provided upon registration.

FOR FURTHER INFORMATION CONTACT: Alaina Harris, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–0721; or *ACHDNC@hrsa.gov*.

SUPPLEMENTARY INFORMATION: ACHDNC provides advice and recommendations to the Secretary of HHS (Secretary) on the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. The ACHDNC reviews and reports regularly on newborn and childhood screening practices, recommends improvements in the national newborn and childhood screening programs, and fulfills requirements stated in the authorizing legislation. In addition, ACHDNC's recommendations regarding inclusion of additional conditions for screening, following adoption by the Secretary, are evidence-informed preventive health services provided for in the comprehensive guidelines supported by HRSA through the Recommended Uniform Screening Panel (RUSP) pursuant to section 2713 of the Public Health Service Act (42 U.S.C. 300gg–13). Under this provision, non-grandfathered group health plans and health insurance issuers offering group or individual health insurance are required to provide insurance coverage without cost-sharing (a co-payment, co-insurance, or deductible) for preventive services for plan years (*i.e.,* policy years) beginning on or after the date that is 1 year from the Secretary's adoption of the condition for screening.

During the May 13–14, 2021, meeting, ACHDNC will hear from experts in the fields of public health, medicine, heritable disorders, rare disorders, and newborn screening. Agenda items include the following:

(1) Mucopolysaccharidosis type II (MPS II) nomination summary;

(2) Possible Committee vote on whether to move MPS II forward to a full evidence review;

(3) Two oral public comment sessions: One session will be open to any newborn screening related topic. The other public comment period will specifically address the Committee's review of the evidence review process (*e.g.,* nomination form, consumer-friendly guidance materials, review of conditions on the RUSP). Please note, if you wish to register to submit oral public comments on the review of the Committee's evidence review process we request that you also submit a written version of your remarks;

(4) Committee discussion of Continuity of Operations Planning and COVID–19; and,

(5) Newborn screening data sources.

The agenda for this meeting does not include any plans for recommending a condition for inclusion in the RUSP. However, as noted in the agenda items, the Committee may hold a vote on whether or not to recommend a nominated condition (MPS II) to full evidence review, which may lead to such a recommendation at a future time. Agenda items are subject to change as priorities dictate. Information about the ACHDNC, including a roster of members and past meeting summaries, is also available on the ACHDNC website previously listed.

As noted above, members of the public will have the opportunity to provide comments. Public participants providing general oral comments may submit written statements in advance of the scheduled meeting. We specifically request that public participants providing oral comment on the review of the Committee's evidence review process also submit a written version of their remarks. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to provide a written statement or make oral comments to the ACHDNC must be submitted via the registration website by 10:00 a.m. ET on Monday, May 10, 2021.

Individuals who need special assistance or another reasonable accommodation should notify Alaina Harris at the address and phone number listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–06940 Filed 4–2–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 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 purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for the treatment of cancer. The outcome of the evaluation will provide information to internal NCI committees that will decide whether NCI should support requests and make available contract resources for development of the potential therapeutic to improve the treatment of various forms of cancer. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; FEB2021 Cycle 37 NExT SEP Committee Meeting.

Date: April 21, 2021.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To evaluate the NCI Experimental Therapeutics Program Portfolio.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Room 3A44, Bethesda, Maryland 20892 (WebEx Meeting).

Contact Persons: Barbara Mroczkowski, Ph.D. Executive Secretary, Discovery Experimental Therapeutics Program, National Cancer Institute, NIH, 31 Center Drive, Room 3A44, Bethesda, MD 20817, (301) 496–4291, *mroczkoskib@mail.nih.gov*.

Toby Hecht, Ph.D., Executive Secretary, Development Experimental Therapeutics Program, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 3W110, Rockville, MD 20850, (240) 276–5683, *toby.hecht2@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 30, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–06890 Filed 4–2–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–0361.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 2022 National Survey on Drug Use and Health (OMB No. 0930–0110)

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, the Office of National Drug Control Policy (ONDCP), federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

As certain parts of the United States reduce COVID–19 restrictions, NSDUH in-person data collection will proceed where possible. However, to ensure

sufficient data are collected to produce nationally representative estimates for the 2022 survey, NSDUH will continue to employ a mix of in-person and web-based modes of administration to allow those respondents living in areas with COVID–19 restrictions the opportunity to participate. If the COVID–19 pandemic subsides to such levels to allow in-person data collection to resume nationwide, SAMHSA may reassess that multimode data collection model as part of the 2022 NSDUH.

In those areas where in-person data collection is permitted, NSDUH protocols, processes, and materials will continue to reflect the need to ensure the safety of respondents and field interviewers with respect to COVID–19—after initial implementation of such measures beginning in October 2020—which include equipping field interviewers with masks, gloves, disinfecting wipes, and hand sanitizer for use during data collection and providing a COVID–19 risk information form to all respondents.

In addition, the NSDUH questionnaire must be updated periodically to reflect changing substance use and mental health issues and to continue producing current data. For the 2022 NSDUH, the following questionnaire updates are planned: (1) Replacing the tobacco module with a redesigned nicotine module that includes questions about vaping, removes low priority items to reduce respondent burden and eliminates outdated terminology; (2) revising the marijuana module to include questions about the use of CBD, update questions on the mode of administration and eliminate outdated terminology and includes changes to the market information for marijuana questions; (3) redesigning the adult and youth mental health services utilization modules into one Mental Health Service Utilization model to remove questions with outdated terminology and include questions about newer treatments with recent increases in popularity; and (4) replacing the drug treatment module with a redesigned alcohol and drug treatment module that includes questions about newer treatments and those that have increased in popularity, as well as eliminating outdated terminology and reducing respondent burden.

As with all NSDUH/NHSDA [1] surveys conducted since 1999, the sample size of the NSDUH main study for 2022 will be sufficient to permit prevalence estimates for each of the fifty states and the District of Columbia. The total annual burden estimate for the NSDUH main study is shown below in Table 1.

TABLE 1—ANNUALIZED ESTIMATED BURDEN FOR 2022 NSDUH

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Household Screening	168,674	1	168,674	0.083	14,000
Interview	67,507	1	67,507	1.000	67,507
Screening Verification	5,060	1	5,060	0.067	339
Interview Verification	10,126	1	10,126	0.067	678
Total	168,674	.....	251,367	.....	82,524

Send comments to Carlos Graham, SAMHSA Reports Clearance Officer, 5600 Fisher Lane, Room 15E57A, Rockville, MD 20852 *OR* email him a copy at *carlos.graham@samhsa.hhs.gov.* Written comments should be received by June 4, 2021.

Carlos Graham,

Social Science Analyst.

[FR Doc. 2021–06887 Filed 4–2–21; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0042]

Consolidation of Redundant Coast Guard Boat Stations—Decision; Correction

AGENCY: Coast Guard, DHS.

ACTION: Notice; correction to docket number.

SUMMARY: The Coast Guard published a document in the **Federal Register** on March 30, 2021, concerning a notice of a decision on a consolidation of Coast Guard boat stations. The document contained an incorrect docket number.

DATES: This correction is effective April 5, 2021.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Todd Aikins, Coast Guard Office of Boat Forces; telephone 202–372–2463, email *todd.r.aikins@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of March 30, 2021, in FR Doc. 2021–06461, on page 16604, in the second column, in the heading, the docket number, ''USCG–2021–0178'', is corrected to read ''USCG–2020–0042''. This corrects the error in the docket number and will ensure that this decision notice will be placed in the same docket as the notice soliciting comments regarding these boat stations (85 FR 8601, February 14, 2020).

Dated: March 30, 2021.

J.E. McLeod,

Acting Office Chief, Office of Regulations and Administrative Law.

[FR Doc. 2021–06876 Filed 4–2–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0039; OMB No. 1660–0006]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Flood Insurance Program Policy Forms

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

ACTION: 30 Day Notice of Reinstatement and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of

[1] Prior to 2002, the NSDUH was referred to as the National Household Survey on Drug Abuse (NHSDA).

its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, with change, of a previously approved information collection for which approval has expired. FEMA will submit the information collection abstracted below to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before November 4, 2022.

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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Joycelyn Collins, Underwriting Branch Program Analyst, Federal Insurance Directorate, 202–701–3383.

SUPPLEMENTARY INFORMATION: The NFIP is authorized by Public Law 90–448 (1968) and expanded by Public Law 93–234 (1973). The National Flood Insurance Act of 1968 requires that FEMA provide flood insurance at full actuarial rates reflecting the complete flood risk to structures built or substantially improved on or after the effective date for the initial Flood Insurance Rate Map for the community, or after December 31, 1974, whichever is later, so that the risks associated with buildings in flood-prone areas are borne by those located in such areas and not by the taxpayers at large. In accordance with Public Law 93–234, the purchase of flood insurance is mandatory when Federal or federally-related financial assistance is being provided for acquisition or construction of buildings located, or to be located, within FEMA-identified special flood hazard areas of communities that participate in the NFIP.

This proposed information collection previously published in the **Federal Register** on December 16, 2020 at 85 FR 81481 with a 60-day public comment period. No comments were received. This information collection expired on April 30, 2020. FEMA is requesting a reinstatement, with change, of a previously approved information collection for which approval has expired. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Flood Insurance Program Policy Forms.

Type of information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Number: 1660–0006.

Form Titles and Numbers: FEMA Forms 086–0–1 and 086–0–1T, Flood Insurance Application; FEMA Forms 086–0–2 and 086–0–2T, Flood Insurance Cancellation/Nullification Request Form; FEMA Forms 086–0–3 and 086–3T, Flood Insurance General Change Endorsement; FEMA Form 086–0–4, V-Zone Risk Factor Rating Form and Instructions (discontinued October 16, 2019, due to insufficient use); and FEMA Form 086–0–5T, Flood Insurance Preferred Risk Policy and Newly Mapped Application.

Abstract: To provide for the availability of policies for flood insurance, policies are marketed and administered through the facilities of licensed insurance agents or brokers in the various states. Applications, general change requests, and cancellations from agents or brokers are forwarded to a direct servicing agent designated as fiscal agent by the Federal Insurance and Mitigation Administration, referred to as NFIP Direct. Upon receipt and examination of the application, general change request, cancellation, and required premium, the servicing company issues or updates the appropriate Federal flood insurance policy.

Affected Public: Individuals or households; State, Local or Tribal Government; Business or other for profit; Not-for-profit institutions; and Farms.

Estimated Number of Respondents: 409,781.

Estimated Number of Responses: 409,781.

Estimated Total Annual Burden Hours: 62,196.

Estimated Total Annual Respondent Cost: $2,335,459.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $9,360,407.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–06875 Filed 4–2–21; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2021–0004]

Privacy Act of 1974; System of Records

AGENCY: Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security.

ACTION: Notice of a New System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the U.S. Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, ''DHS/Cybersecurity and Infrastructure Security Agency (CISA)–005 Administrative Subpoenas for Cybersecurity Vulnerability Identification and Notification System of Records.'' This system of records allows DHS/CISA (''Agency'') to receive and collect customer or subscriber contact information from electronic communications service providers to

identify and notify entities at risk of security vulnerabilities relating to critical infrastructure information systems and devices. This newly established system will be included in DHS's inventory of record systems.

DATES: Submit comments on or before May 5, 2021. This new system will be effective upon publication. Routine uses will be effective May 5, 2021.

ADDRESSES: You may submit comments, identified by docket number CISA–2021–0004 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Lynn Parker Dupree, Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number CISA–2021–0004. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: James Burd, (703) 235–1919, *Privacy@cisa.dhs.gov,* Chief Privacy Officer, Office of the Privacy Office, Cybersecurity and Infrastructure Security Agency, Washington, DC 20528–0655. For privacy questions, please contact: Lynn Parker Dupree, (202) 343–1717, *Privacy@hq.dhs.gov,* Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the U.S. Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) proposes to establish a new CISA system of records entitled, ''DHS/CISA—Administrative Subpoenas for Cybersecurity Vulnerability Identification System of Records.'' Subsection (o) of Section 2209 of the Homeland Security Act, as amended, 6 U.S.C. 659(o), grants CISA the authority to issue a subpoena for the production of information necessary to identify and notify an entity at risk, where the entity owns or operates what CISA has reason to believe is a ''covered device or system'' [1] with a specific security vulnerability relating to critical infrastructure, and if CISA itself is unable to identify the entity at risk that owns or operates such covered device or system. CISA will issue subpoenas to providers of public electronic communications services, such as Internet Service Providers (ISP), that have relevant customer or subscriber information to identify the owners or operators of covered devices or systems with a specific security vulnerability, often identified through their internet protocol (IP) address. The Electronic Communications Privacy Act of 1986 (18 U.S.C. 2510 *et seq*.) permits the federal government to subpoena such service providers for basic subscriber information. The information to be collected by CISA is not for intelligence or prosecution activities, but rather to notify entities of potential cybersecurity risks to covered devices or systems with a specific security vulnerability relating to critical infrastructure.

This system of records will cover records of individuals identified in the information provided by the ISP as the owner or operator of a covered device or system connected to the internet with a specific security vulnerability related to critical infrastructure. CISA maintains this information to identify and notify the individual of the vulnerability on the covered device or system.[2]

This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/CISA–005 Administrative Subpoenas for Cybersecurity Vulnerability Identification and Notification System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

DHS/CISA–005 Administrative Subpoenas for Cybersecurity Vulnerability Identification and Notification.

SECURITY CLASSIFICATION:

Controlled Unclassified Information.

SYSTEM LOCATION:

Records are maintained at CISA locations such as Arlington, Virginia and Pensacola, Florida.

SYSTEM MANAGER(S):

Division Director, National Cybersecurity and Communications Integration Center (NCCIC) Hunt & Incident Response, 1110 North Glebe Rd. Arlington, VA 22201.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Subsection (o) of Section 2209 of the Homeland Security Act, as amended, 6 U.S.C. 659(o).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records for the purpose of identifying and notifying entities at risk of security vulnerabilities relating to critical infrastructure on covered devices and systems. The authority is available only in circumstances where CISA knows of a specific cybersecurity risk to a covered device or system but is unable to determine the owner or operator of the covered device or system. The information sought by subpoena is limited to only basic categories of subscriber information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual(s) whose contact information is provided by an electronic

[1] ''Covered device or system'' means a device or system commonly used to perform industrial, commercial, scientific, or government functions or processes related to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers. The term ''covered device or system'' does not include personal devices or systems, such as consumer mobile devices, home computers, residential wireless routers, or residential internet enabled consumer devices. *See* 6 U.S.C. 659(o)(1).

[2] Pursuant to 6 U.S.C. 659(o)(8), the Agency may not require an owner or operator of critical infrastructure to take any action as a result of a notice of vulnerability made pursuant to 6 U.S.C. 659(o).

communication service provider in response to a subpoena as described above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include the following information obtained through subpoenas:

- Name;
- Address;
- Length of service (including start date) and types of service utilized; and
- Telephone or instrument number or other subscriber number or identity.

In addition, the system will also include the following categories of records:

- IP address;
- Individual's position/title or organizational affiliations; and
- Identifier or ticket number created by CISA to retrieve information.

RECORD SOURCE CATEGORIES:

Information is obtained from a subpoenaed individual, partnership, corporation, association, or entity. Information may also be obtained through public sources or contact with an individual identified through the issuing of a subpoena.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In accordance with subsection (o) of Section 2209 of the Homeland Security Act, as amended, (6 U.S.C. 659(o)), the Agency may not disseminate nonpublic information obtained through a subpoena that identifies the party that is subject to such subpoena or the entity at risk identified by information obtained, except that the Agency may share the nonpublic information with the Department of Justice for the purpose of enforcing such subpoena in non-compliance circumstances, and may share with a federal agency the nonpublic information of the entity at risk if the requirements of 6 U.S.C. 659(o)(7)(A) are met so long it is used by that federal agency for a cybersecurity purpose, as defined in 6 U.S.C. 1501, in accordance with 6 U.S.C. 659(o)(12).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

CISA will retrieve records by CISA-created ticket number associated with a covered device or system connected to the internet identified as having a security vulnerability. Records may also be retrieved by IP address or phone number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records that are stored in an individual's file will be purged according to the retention and disposition guidelines under 6 U.S.C. 659(o)(7)(C)(ii), which requires destruction of any personally identifiable information not later than six (6) months after the date on which the Agency receives information obtained through subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent. CISA is developing a records retention schedule for submission and approval by the National Archives Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

CISA safeguards records in this system according to applicable rules and policies, including all applicable CISA automated systems security and access policies. CISA has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those CISA officials who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the DHS Chief Privacy Officer or the appropriate Headquarters or component's FOIA Officer whose contact information can be found at *https://www.dhs.gov/freedom-information-act-foia* under ''Contact Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the DHS Chief Privacy Officer and Chief Freedom of Information Act Officer, U.S. Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. In addition, the individual should:

- Explain why he or she believes the Department would have information being requested;
- Identify which component(s) of the Department he or she believes may have the information;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If the request is seeking records pertaining to another living individual, the request must include an authorization from the individual whose record is being requested, authorizing the release to the requester.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act, individuals may make a request for amendment or correction of a record of the Department about the individual by writing directly to the Department component that maintains the record, unless the record is not subject to amendment or correction. The request should identify each particular record in question, state the amendment or correction desired, and state why the individual believes that the record is not accurate, relevant, timely, or complete. The individual may submit any documentation that would be helpful. If the individual believes that the same record is in more than one system of records, the request should state that and be addressed to each component that maintains a system of records containing the record.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

* * * * *

Lynn Parker Dupree,

Chief Privacy Officer, U.S. Department of Homeland Security.

[FR Doc. 2021–06874 Filed 4–2–21; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0054]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Training Plan for Science, Technology, Engineering, and Mathematics (STEM) Optional Practical Training (OPT) Students

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, U.S. Immigration and Customs Enforcement (ICE), the Department of Homeland Security (DHS), will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance.

DATES: Comments are encouraged and will be accepted until June 4, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1653–0054 in the body of the correspondence, the agency name and Docket ID ICEB–2018–0003–0001. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number ICEB–2018–0003–0001.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this collection, call or email Sharon Snyder, Student and Exchange Visitor Program (SEVP), 703–603–3400 or 1–800–892–4829, email: *sevp@ice.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Training Plan for STEM OPT Students.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–983; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The Form I–983 serves as a planning document for STEM OPT students, the SEVP-certified school officials, and the employers. The Training Plan for STEM OPT Students also serves as an evidentiary document for SEVP, by tracking the STEM OPT student's progress, setting forth the terms and conditions of the practical training, and documenting the obligations of the three parties that are involved—the F student, the SEVP-certified school, and the employer.

The student and the employer must each complete and sign their part of the Form I–983. The SEVP-certified school will incorporate the completed and signed Form I–983 as part of the student's school file. The SEVP-certified school will make the student's Form I–983 available to DHS upon request.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

TABLE 1—CALCULATION OF ANNUAL REPORTING BURDEN FOR TRAINING PLAN

Function	Avg. annual responses	Time per response (hours)	Avg. annual hour burden [1]
Student Burden			
Initial Completion of Training Plan	66,565	2.17	144,446
12-month Evaluation Requirements	66,565	1.50	99,848
Subtotal	.....	.....	244,294
DSO Burden			
Initial Review of Training Plan & Recordkeeping	66,565	1.33	88,531
Review of Evaluation & Recordkeeping	66,565	1.33	88,531
Subtotal	.....	.....	177,062
Employer Burden			
Initial Completion of Training Plan	66,565	4.00	266,260
Evaluation Requirements	66,565	0.75	49,924

TABLE 1—CALCULATION OF ANNUAL REPORTING BURDEN FOR TRAINING PLAN—Continued

Function	Avg. annual responses	Time per response (hours)	Avg. annual hour burden [1]
Subtotal			316,184
Total Burden Hours			737,540

[1] Time per response as shown is rounded to the nearest hundredth.
[2] Burden estimates for the DSO and Employer respondents include time for reviewing the responses provided by the Student respondents.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 737,540 annual burden hours.

Dated: March 30, 2021.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2021–06892 Filed 4–2–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0075]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: I–864, Affidavit of Support Under Section 213A of the Act; I–864A, Contract Between Sponsor and Household Member; I–864EZ, EZ Affidavit of Support Under Section 213 of the Act; I–864W, Request for Exemption for Intending Immigrant's Affidavit of Support

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 4, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0075 in the body of the letter, the agency name and Docket ID USCIS–2007–0029. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2007–0029. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2007–0029 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* I–864, Affidavit of Support Under Section 213A of the Act; I–864A, Contract Between Sponsor and Household Member; I–864EZ, EZ Affidavit of Support under Section 213 of the Act; I–864W, Request for Exemption for Intending Immigrant's Affidavit of Support.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–864; I–864A; I–864EZ; I–864W; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. Form I–864. USCIS uses the data collected on Form I–864 to determine whether the sponsor has the ability to support the sponsored alien under section 213A of the Immigration and Nationality Act. This form standardizes

evaluation of a sponsor's ability to support the sponsored alien and ensures that basic information required to assess eligibility is provided by petitioners.

Form I–864A. Form I–864A is a contract between the sponsor and the sponsor's household members. It is only required if the sponsor used income of his or her household members to reach the required 125 percent of the Federal poverty guidelines. The contract holds these household members jointly and severally liable for the support of the sponsored immigrant. The information collection required on Form I–864A is necessary for public benefit agencies to enforce the Affidavit of Support in the event the sponsor used income of his or her household members to reach the required income level and the public benefit agencies are requesting reimbursement from the sponsor.

Form I–864EZ. USCIS uses Form I–864EZ in exactly the same way as Form I–864; however, USCIS collects less information from the sponsors as less information is needed from those who qualify in order to make a thorough adjudication.

Form I–864W. USCIS uses Form I–864W to determine whether the intending immigrant meets the criteria for exemption from section 213A requirements. This form collects the immigrant's basic information, such as name and address, the reason for the exemption, and accompanying documentation in support of the immigrant's claim that they are not subject to section 213A.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–864 is 453,345 and the estimated hour burden per response is 6 hours; the estimated total number of respondents for the information collection Form I–864A is 215,800 and the estimated hour burden per response is 1.75 hours; the estimated total number of respondents for the information collection Form I–864EZ is 100,000 and the estimated hour burden per response is 2.5 hours; the estimated total number of respondents for the information collection Form I–864W is 98,119 and the estimated hour burden per response is 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,445,839 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $159,608,680.

Dated: March 30, 2021.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–06921 Filed 4–2–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6255–N–01]

Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS) for the One San Pedro Specific Plan Project in Los Angeles City, California

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

SUMMARY: The City of Los Angeles, through the City of Los Angeles's Housing and Community Investment Department (HCID) is providing Notice of Intent (NOI) to prepare a combined Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) for the Rancho San Pedro public housing redevelopment project, located in Los Angeles, California. The proposed action is subject to NEPA because the Housing Authority of the City of Los Angeles (HACLA), as the recipient of HUD's grant funding, proposes to carry out a Section 18/ Rental Assistance Demonstration (RAD) demolition/disposition through a ground lease and to use a combination of Project-Based Vouchers (PBV) and Tenant Protection Vouchers (TPV). A Public Scoping Meeting for CEQA issues was held on February 6, 2021. This NOI complies with the NEPA public scoping process requirements by providing notice of a second Public Scoping Meeting on April 27, 2021 to discuss the EIR/EIS. Following the public scoping process, a Draft EIR/EIS will be prepared and ultimately circulated for public comment.

DATES: The next Public Scoping Meeting to satisfy NEPA requirements will be held virtually on Tuesday, April 27, 2021, from 5 p.m. to 6:30 p.m. Pacific Time, at *https://zoom.us/j/99228962849?pwd=dTZ6VEkwdW9rR2cxM0dqOUhteWsxUT09* or by calling (669) 900–6833 (Meeting ID: 992 2896 2849, Passcode: 757989).

Comments on the scope of the EIR/EIS will be accepted during the Public Scoping Meeting and for 30 days from the date of this Notice of Intent, April 9, 2021.

ADDRESSES: Comments relating to the scope of the EIR/EIS or on the draft EIR/EIS, when made available, will be accepted by the contact person listed below. Copies of Public notices are available at the following websites: *https://hcidla2.lacity.org/partners/nepa-review-2* and *http://www.hacla.org/publicdocs.*

FOR FURTHER INFORMATION CONTACT: Jinderpal Singh Bhandal, Environmental Supervisor, Finance & Development Division, HCID, telephone number: (213) 808–8558, *Jinderpal.Bhandal@lacity.org.* Comments and questions can also be directed to Jessica Frazier, Development Officer, Strategic Development, HACLA, *jessica.frazier@hacla.org,* telephone number: (213) 252–6120.

SUPPLEMENTARY INFORMATION: For projects that require an Environmental Impact Statement (EIS), the Responsible Entity, as defined in 24 CFR 58.2(a)(7), must provide a notice of intent (NOI) to begin the public scoping process in accordance with National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.* (NEPA); the Council of Environmental Quality (CEQ) NEPA Regulations at 40 CFR parts 1500–1508; and HUD implementing regulations at 24 CFR part 58. The Housing Authority of the City of Los Angeles (HACLA), as the recipient of HUD's grant funding, proposes to carry out a Section 18/ Rental Assistance Demonstration (RAD) demolition/disposition through a ground lease and to use a combination of RAD Project-Based Vouchers (PBV), Tenant Protection Vouchers (TPV), and PBV authorized by the U.S. Housing Act of 1937, as amended (USHA), to redevelop the Rancho San Pedro public housing project site.

On behalf of HACLA, the City of Los Angeles, through the City of Los Angeles's Housing and Community Investment Department (HCID), is acting as the Responsible Entity for the Rancho San Pedro public housing project. Because the project is located in Los Angeles, California, the California Environmental Quality Act (CEQA), Public Resources Code 21000 *et seq.* and 14 California Code of Regulations 15000 *et seq.,* also requires the completion of an Environmental Impact Report (EIR). For compliance with CEQA, HACLA

held a public scoping meeting on February 6, 2021. As required by both NEPA and HUD's regulations, HCID issues this NOI to prepare a combined EIR/EIS for the Rancho San Pedro public housing project site. This NOI complies with the NEPA public scoping process requirements by providing notice of a second Public Scoping Meeting on April 27, 2021 to discuss the EIR/EIS.

Following the public scoping process, a Draft EIR/EIS will be prepared that analyzes the project. Once the Draft EIR/EIS is certified as complete, the public will be invited to participate in its review and it will ultimately be circulated for public comment. A Notice of Availability of the Draft EIR/EIS will be published in the **Federal Register** and will be announced through public mailings and the local news media. All interested Federal, state, and local agencies; Indian tribes; and the public are invited to comment on the scope of the EIR/EIS. Agencies with jurisdiction over natural or other public resources affected by the project or that possess information about the project site that HCID should consider in the Draft EIR/EIS are invited to submit comments to the individuals named in this notice.

A. Project Background

The project site is in the Barton Hill neighborhood with the historic Downtown San Pedro located two blocks to the south and the San Pedro Waterfront to the east. The Port of Los Angeles (managed by the Los Angeles Harbor Department) lies to the east, and toward the north is the SR 47 (Vincent Thomas Bridge).

Most of the surrounding Barton Hill neighborhood has a low-density residential character with single-family homes, though numerous properties host a main home on the front of the lot and an accessory dwelling unit to the rear. Additionally, there are a few vintage bungalow courts, small lot properties, and duplexes. The residential character of Barton Hill becomes denser with two- and three-story multifamily buildings around the Rancho San Pedro border. Other affordable housing developments to the immediate north and southwest of the project site host medium residential density development, with an increase in building scale towards Pacific Avenue to the west and Downtown San Pedro to the south. Immediately to the south between Rancho San Pedro and the Downtown core of 6th and 7th Street are a collection of civic and institutional buildings, including the Harbor Department Administration Building, Port Police Headquarters, Port of Los Angeles Charter High School, and The Port of Los Angeles Boys & Girls Club.

B. Purpose and Need for the Proposed Action

Rancho San Pedro is seventy to eighty years old and the structures are reaching their useful life expectancy. The buildings were constructed in a style, form, and function typical of public housing developments at that time and suffer from monotonous building design, repetitive building pattern, long street frontages, and lack of through streets. These design deficiencies result in indefensible space and security issues, inadequately sized units, and accessibility issues, among other things. As the Greater Los Angeles region is experiencing a crisis of housing affordability, resulting in over-crowding conditions and homelessness, there is also the added imperative to use the large publicly owned property to expand affordable housing supply.

In 2015, HACLA, in cooperation with Los Angeles City Council District 15 and the Mayor's Office of Economic Development, commissioned a feasibility study to determine the highest and best use and development potential of the Rancho San Pedro public housing property. The study outlines potential strategies to maximize the value of the property to the public and concludes that replacing and expanding the available housing—both affordable as well as market-rate—would be the highest and best use of the public property with the primary objective to replace the existing affordable housing located at Rancho San Pedro for those currently residing there.

The location, size of the property, and potential redevelopment scale also provides the capacity to layer additional community benefits into redevelopment. These have been identified within the San Pedro Redevelopment Plan, as well as by residents of Rancho San Pedro.

The project would thrive as a revitalized, mixed-income neighborhood that builds on its existing assets and creates new, high-quality housing options. Adjacent to the waterfront and downtown, the project would be a model for other revitalization efforts, complete with cultural, community, and economic activity. It would be a safe neighborhood with new parks and recreational opportunities, walking and biking streets, and a variety of housing and supportive service options.

C. Project Description

The project is located at 275 West First Street in the City of Los Angeles in the community of San Pedro. The project site is approximately 21 acres in size and is currently developed with an existing 478-unit public housing complex known as ''Rancho San Pedro,'' which was initially developed in 1942 with subsequent development in 1955. The existing access to the project site is from local surface streets surrounding the site, which include Santa Cruz Street to the north, Harbor Boulevard to the east, 3rd Street to the south, and Mesa Street to the west.

Development of the proposed project would occur in multiple phases. Initial phases would focus on replacement and expansion of the aging housing stock with the later phases dedicated to expansion of affordable units, homeownership, community amenities, and services. The proposed phasing would be planned to minimize disturbance to current residents. The project would pursue a ''build-first'' approach to the greatest extent possible. When residents must be relocated, HACLA adheres to all of the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. For purposes of the environmental analysis and to provide a conservative analysis of environmental impacts, overall construction is estimated to take approximately 14 years, with construction activities occurring from 2024 to 2037. The opening year for the first constructed buildings is expected to occur in 2025.

The proposed project involves the redevelopment of the Rancho San Pedro complex with a Specific Plan in order to improve the physical condition of the community and increase housing stock and amenities for residents. The proposed project would include demolition of the existing 478-unit Rancho San Pedro complex, including 8,000 square feet (sf) of amenities, services and administration, and construction of new housing (in phases) with a total of up to 1,390 multi-family residential units for mixed-income households, 85,000 sf of services, amenities and administration, and 45,000 sf of commercial/retail uses. Each building would have its own onsite parking garage with secured access limited to residents. In addition to secured parking garages, on-street parking within and around the site would also be maximized for guests and customers, including expanding available diagonal parking where available. This would include

reconfiguring on-street curb parking, transitioning from parallel to diagonal parking on some blocks. The proposed project would maintain the existing street grid and block configuration, with the exception of Beacon Street and the intersecting portion of Second Street, where a new pedestrian plaza is proposed. Site access would be similar to the existing conditions.

D. Alternatives to the Proposed Action

Consistent with the Council on Environmental Quality regulations implementing NEPA, the EIS will examine a range of reasonable alternatives (40 CFR 1502.14) to the proposed project that are potentially feasible. As required by NEPA, the alternatives will be evaluated at the same level of detail as the proposed project. As a result of the scoping efforts to date, the alternatives currently proposed for evaluation in the EIS include:

No Project/Action Alternative. This required alternative would evaluate the environmental impacts if the proposed project were not constructed and existing conditions remain unchanged.

Preferred Alternative. This alternative would implement the proposed project described above in this notice under Project Description, including the demolition of the existing 478 housing units and the construction of up to 1,390 multi-family residential units for mixed-income households, 85,000 sf of services, amenities and administration, and 45,000 sf of commercial/retail uses.

A range of other reasonable alternatives (to be identified) based on input received during the scoping process will be considered in the EIR/EIS. These may include: An alternative where existing buildings will be rehabilitated pursuant to the Secretary of the Interior Standards for Rehabilitation instead of being demolished and reconstructed; a decreased intensity alternative where the number of housing units, services, amenities and administration, and commercial/retail uses would be decreased; a modified site plan alternative where the layout and location of the buildings and critical infrastructure is modified; or an increased intensity alternative where the number of housing units, services, amenities and administration, and commercial/retail uses would be increased.

The following alternatives are infeasible and/or would not meet the purposes and needs described in this notice, and thus will not be considered: An off-site alternative as it would be financially infeasible to purchase another site of the same size in the same general geographic area; a non-residential alternative as California is experiencing a housing crisis, which has highlighted the severe deficiency of affordable housing; an alternative that reduces the number of existing housing units because of the area's significant housing need; and an alternative where the site is abandoned as it is crucial to providing affordable housing for current residents of the site and to meeting regional affordable housing needs.

E. Need for the EIR/EIS

The Proposed Project described above has the potential to significantly affect the quality of the human environment. The implementing regulations of the Council on Environmental Quality (CEQ) (40 CFR parts 1500–1508) and HUD's regulations (24 CFR part 58) require the preparation of an EIS in accordance with NEPA requirements. Responses to this notice will be used to: (1) Determine significant environmental issues; (2) assist in developing a range of alternatives to be considered; (3) identify issues that the EIS should address; and (4) identify agencies and other parties that will participate in the EIS process and the basis for their involvement.

As the Proposed Project also implicates reporting requirements under California law, an EIR must be prepared in accordance with the State of California CEQA. HCID and HACLA, therefore, intend to prepare a combined environmental document, an EIR/EIS.

The Draft EIR/EIS will be circulated for public review in 2021 and decision making is expected in 2021 or early 2022. The project will require the following approvals: (1) Adoption of Master Development Agreement, Disposition and Development Agreements, Ground Leases, and Relocation Plan by HACLA; (2) NEPA part 58 Compliance necessary for Demolition/Disposition and RAD Conversion of the existing Rancho San Pedro development from HUD and potential federal funding for the project; (3) Certification of the EIR/EIS; (4) Adoption of the One San Pedro Specific Plan, General Plan Amendment, Phased Vesting Tentative Tract Map, and Zone and Height District change by the City of Los Angeles; (5) Haul route approval from the Los Angeles Department of Building and Safety (if required); (6) Permit for removal of street trees from the Los Angeles Board of Public Works (if required); (7) Approval of a Water Supply Assessment; and (8) Other discretionary and ministerial permits and approvals that may be deemed necessary, including, but not limited to, demolition permits for structures and trees, temporary street closure permits, grading permits, excavation permits, foundation permits, building permits, and sign permits in order to execute and implement the project. HACLA will consider a Disposition and Development Agreement with the developer.

F. Probable Environmental Effects

Due to the increase in number of residents and expansion of the built environment, the proposed project could have potentially significant environmental impacts in the following topic areas, which will be addressed in the EIR/EIS: Aesthetics, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Energy, Environmental Justice, Hazards and Hazardous Materials from construction materials, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities/Service Systems, and Hydrology and Water Quality. A Water Supply Assessment will be completed to determine the impact on the existing water supply.

The project involves funding from HUD that qualifies as an undertaking subject to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) due to potential effects to historic properties. HCID will be initiating the Section 106 consultation process with the California State Historic Preservation Officer.

HCID invites comments from all interested parties about the potential impacts this project may have on historic properties, cultural resources, or biological and natural resources, as well as the impacts these resources may have on the project, and identification of potential alternatives, information, and analyses relevant to the proposed action. HCID invites all interested parties to participate in the scoping meeting.

G. Scoping

Following the Public Scoping Meeting for CEQA issues held on February 6, 2021, a second Public Scoping Meeting for NEPA issues will be held online using Zoom on April 27, 2021 to share information regarding the project and the environmental review process. The meeting will also be an opportunity for HCID and HACLA to receive verbal and written public comments regarding the scope and content of the environmental analysis to be addressed in the EIR/EIS. Staff, environmental consultants, and project representatives will be available, and a brief presentation is scheduled. HACLA and HCID encourage all interested individuals and organizations

to attend this meeting. Written comments may be submitted during the project review period. No decisions about the project will be made at the Public Scoping Meeting. A separate public hearing on the underlying project approvals will be scheduled after the completion of the Draft EIR/EIS.

The date, time, and location of the next Public Scoping Meeting to satisfy NEPA requirements is as follows:

Tuesday, April 27, 2021, 5 p.m. to 6:30 p.m. Pacific Time, *https://zoom.us/j/99228962849?pwd=dTZ6VEkwdW9rR2cxM0dqOUhteWsxUT09* or call (669) 900–6833 (Meeting ID: 992 2896 2849, Passcode: 757989).

HCID and HACLA want the meeting to be open to those with Limited English Proficiency and Individuals with Disabilities. In order to ensure HCID and HACLA are able to effectively communicate with individuals in another language or with disabilities, including individuals with hearing, vision or speech impairments, HACLA will furnish appropriate auxiliary aids and services, where necessary. Examples of auxiliary aids and services include amplification headsets, language interpreters, note-takers, transcription services, written materials and large print materials.

To ensure availability, you are advised to make your request for an auxiliary aid or service at least 72 hours prior to the meeting/event. Requests should be directed to Jocelyn Aldana at telephone number (213) 252–1037 or by email at *Jocelyn.aldana@hacla.org.* Puede obtener información en español sobre esta Reunion llamando a Jocelyn Aldana al (213) 252–1037.

H. Lead Agencies

HCID is the Responsible Entity and lead agency for this project's EIS in accordance with 24 CFR part 58, ''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.'' As the Responsible Entity, HCID assumes the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA. The project may use Community Development Block Grant Program (CDBG) funds (42 U.S.C. 5301 *et seq.*), HOME Investment Partnerships Program (HOME) funds (42 U.S.C. 12701 *et seq.*), Section 202 Project Rental Assistance Contract (PRAC) funds (12 U.S.C. 1701q), Section 8 Project-Based Vouchers (PBV) and Rental Assistance Demonstration Project-Based Vouchers (RAD PBV) (42 U.S.C. 1437f), or Section 811 Developmentally Disabled Vouchers (42 U.S.C. 8013). In addition, HACLA is the CEQA lead agency and is responsible for preparing an EIR.

Kevin J. Bush,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 2021–06929 Filed 4–2–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6210–N–03]

Notice of Regulatory Waiver Requests Granted for the Third Quarter of Calendar Year 2020

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on July 1, 2020 and ending on September 30, 2020, including those made pursuant to the CARES Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–5300 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the third quarter of calendar year 2020.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from July 1, 2020 through September 30, 2020. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Additionally, this notice includes waivers made pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES Act), not previously published in the **Federal Register**. These waivers are listed separately from other individual waivers within each program office grouping, as CARES Act waivers broadly covered all affected parties rather than individual, case-by-case situations. The lists include all Memoranda and Notices issued regarding broad CARES Act waivers provided by HUD since the enactment of the Act on March 27, 2020. In addition, the lists provide a short, two- or three-line description of each memo or notice, identifying the specific CARES Act authority and purpose of the waivers addressed therein.

Should HUD receive additional information about waivers granted during the period covered by this report (the third quarter of calendar year 2020) before the next report is published (the fourth quarter of calendar year 2020), HUD will include any additional waivers granted for the third quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Damon Y. Smith,

Principal Deputy General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development July 1, 2020 Through September 30, 2020

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.
II. Regulatory waivers granted by the Office of Housing.
III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Los Angeles, California, requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by local public housing agency (PHA) for a HOME-assisted project—King 1101 Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 20, 2020.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development. Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 402–4606.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Oxnard, California, and the County of San Luis Obispo, California, requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for three HOME-assisted projects—Ormond Beach Villas, Bishop Street Studios, and Rolling Hills Apartment II.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 20, 2020.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 402–4606.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirement.

Project/Activity: Contra Costa County, San Mateo County, and Los Angeles County, California, requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for three HOME-assisted projects—Blue Hibiscus Apartments, Bay Meadows, and Virginia Lane Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 22, 2020.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single

unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 402–4606.

• *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The Georgia Department of Community Affairs requested a waiver of 24 CFR 92.252(d)(1) on behalf of the Georgia Housing Finance Agency to allow use of the utility allowance established by the local public housing agency (PHA) for Hearthstone Landing Apartments, a HOME-assisted project.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 22, 2020.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 402–4606.

• *Regulation:* 24 CFR 92.504(a) Participating Jurisdiction Responsibilities and Written Agreements.

Project/Activity: The State of Colorado requested a waiver of 24 CFR 92.504(a) to permit it to amend the written agreement for the Oakwood Apartments, a HOME-assisted project, to change the unit mix and number of HOME units specified at the time of project commitment.

Nature of Requirement: The regulation at 24 CFR 92.504(a) requires that a participating jurisdiction ensure that HOME funds are used in accordance with all program requirements and written agreements.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: August 13, 2020.

Reason Waived: The waiver permits the State to change the unit mix and number of HOME units specified in the written agreement by eliminating one two-bedroom HOME unit and replacing it with two one-bedroom HOME units. Without this waiver, the State would not be able to demolish one residential building containing one HOME-assisted unit and construct additional affordable housing units on the site. The demolition of one residential building is necessary for the new construction project due to zoning requirements for the site. The State is aware that the demolition triggers the one-for-one replacement and other requirements of Section 104(d) of the Housing and Community Development Act and that the Uniform Relocation Act requirements also apply. The State will amend the written agreement and restrictive covenants for the HOME project to reflect the new unit mix, however, the existing 30-year period of affordability for the project will remain intact and the State will maintain HOME tenant protections for the current tenants of HOME-assisted units. This waiver will permit the State to expand the supply of affordable rental housing in Colorado by creating a net of 45 additional rental units on the site and increasing the total number of HOME-assisted units.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 402–4606.

• *Regulation:* 24 CFR 576.2, definition of ''homeless,'' (l)(iii).

Project/Activity: An individual may qualify as homeless under paragraph (1)(iii) the homeless definition in 24 CFR 576.2 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect until March 31, 2021.

Nature of Requirement: An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution are considered homeless per 24 CFR 576.2, definition of ''homeless.''

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: Recipients are reporting that program participants are residing in institutions for longer periods of time as a result of COVID–19 (*e.g.,* longer time in jail due to a postponed court dates due to court closings or courts operating at reduced capacity and longer hospital stays when infected with COVID–19). Allowing someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days is necessary to prevent the spread of COVID–19 by expanding housing options for people who were experiencing homelessness and institutionalized for longer than traditionally required due to COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

• *Regulation:* 24 CFR 578.3, definition of ''homeless,'' (l)(iii).

Project/Activity: An individual may qualify as homeless under paragraph (1)(iii) the homeless definition in 24 CFR 578.3 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Nature of Requirement: An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution are considered homeless per 24 CFR 578.3, definition of ''homeless.''

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: Recipients are reporting that program participants are residing in institutions for longer periods of time as a result of COVID–19 (*e.g.,* longer time in jail due to a postponed court dates due to court closings or courts operating at reduced capacity and longer hospital stays when

infected with COVID–19). Allowing someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days is necessary to prevent the spread of COVID–19 by expanding housing options for people who were experiencing homelessness and institutionalized for longer than traditionally required due to COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

• *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(1)(1).

Project/Activity: The one-year lease requirement is waived for leases executed between the date of this memorandum and December 31, 2020, so long as the initial term of all leases is at least one month.

Nature of Requirement: Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: HUD originally waived this requirement for 6-months on March 31, 2020 to help recipients more quickly identify permanent housing for individuals and families experiencing homelessness, which is helpful in preventing the spread of COVID–19. Extending this waiver is necessary because recipients continue to need to help program participants identify housing quickly to help prevent the spread of COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

• *Regulation:* 24 CFR 578.7(a)(8).

Project/Activity: 24 CFR 578.7(a)(8) is waived to the extent it is necessary to lift the requirement in Section 11.B.15 of the Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System for 1-year.

Nature of Requirement: 24 CFR 578.7(a)(8) requires CoCs to comply with any requirements established by HUD by Notice regarding the centralized or coordinated assessment system. One Notice provision states the CoC must solicit feedback at least annually from participating projects and households that participated in coordinated entry to evaluate the quality and effectiveness of the entire coordinated entry experience.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: CoCs are reporting limited staff capacity as staff members are home for a variety of reasons related to COVID–19 (*e.g.,* quarantining, children home from school, working elsewhere in the community to manage the COVID–19 response). Waiving the annual coordinated entry planning and stakeholder consultation process as provided below will allow recipients to focus their limited staff capacity on activities related to preventing the spread of COVID19 and helping program participants remain housed during the subsequent economic downturn.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.33(c).

Project/Activity: The requirement that the renewal grant amount be based on the budget line items in the final year of the grant being renewed is further waived for all projects that amend their grant agreement between October 1, 2020 and December 31, 2020 to move funds between budget line items in a project in response to the COVID–19 pandemic. Recipients may then apply in the next FY CoC Program funding cycle based on the budget line items in the grants before they were amended.

Nature of Requirement: 24 CFR 578.33(c) requires that budget line item amounts a recipient is awarded for renewal in the CoC Program Competition will be based on the amounts in the final year of the prior funding period of the project.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: HUD originally waived this requirement for grant agreement amendments signed between March 31, 2020 and October 1, 2020 to allow recipients to move funds between budget line items in a project in response to the COVID–19 pandemic and still apply for renewal in the next FY CoC Program funding cycle based on the budget line items in the grants before they were amended. Recipients continue to report needing to shift budget line items to respond to the COVID–19 pandemic (*e.g.,* providing different supportive service necessitated by the pandemic or serving fewer people because the layout of the housing does not meet local social distancing recommendations) without changing the original design of the project when it is not operating in a public health crisis and can resume normal operations.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.37(a)(l)(ii)(F).

Project/Activity: The requirement in 24 CFR 578.37(a)(l)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing-rapid re-housing projects from the date of this memorandum until December 31, 2020.

Nature of Requirement: Recipients must require program participants of permanent housing -rapid re-housing projects to meet with a case manager at least monthly.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: HUD originally waived this requirement for 2-months on March 31, 2020 and subsequently for 3-month on May 22, 2020. Recipients are continuing to report limited staff capacity as staff members are home for a variety of reasons related to COVID–19 (*e.g.,* quarantining, children home from school, working elsewhere in the community to manage the COVID–19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction continues to be waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing from the date of this memorandum until December 31, 2020. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2).

Nature of Requirement: Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: HUD originally waived this requirement for 6-months on March 31, 2020. Extending this waiver on the limit on using grant leasing funds to pay above FMR for individual units, but not greater than reasonable rent will assist recipients in locating additional units to house individuals and families experiencing homelessness and reduce the spread and harm of COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.75(b)(l).

Project/Activity: NY–603–Long Island Continuum of Care (CoC) reallocated 11 Permanent Supportive Housing (PSH) projects in the FY 2018 CoC Program Competition, which affects almost 300 program participants—many with disabilities, who face returning to homelessness. The interim rule requires certain documentation requirements and imposes eligibility requirements which severely limits potential available housing options for program participants to transfer into other CoC Program-funded projects.

Nature of Requirement: 24 CFR 278.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: On March 31, 2020, HUD waived the physical inspection requirement at 24 CFR 578.75(b)(l) for 6-months so long as recipients or subrecipients were able to visually inspect the unit using technology to ensure the unit met HQS before any assistance was provided and recipients or subrecipients had written policies in place to physically reinspect the unit within 3 months after the health officials determined special measures to prevent the spread of COVID–19 are no longer necessary. However, this standard still relies on program participants or landlords having the technology to carry out this virtual inspection. Waiving the initial inspection requirement at 24 CFR 578.75(b)(l) as further specified below will allow recipients to move people from the streets and shelters into housing more quickly, which enables social distancing, and helps prevent the spread of COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.75(c) and 24 CFR 982.401(d)(2)(ii) as required by 24 CFR 578.75(b).

Project/Activity: The requirement that the each unit assisted with CoC Program funds or YHDP funds have at least one bedroom or living/sleeping room for each two persons is waived for recipients providing Permanent Housing-Rapid Rehousing assistance for leases and occupancy agreements executed by recipients and subrecipients between the date of this memorandum and December 31, 2020 and extending only until the later of (1) the end of the initial term of the lease or occupancy agreement; or (2) December 31, 2020.

Nature of Requirement: 24 CFR 578.75(c), suitable dwelling size, and 24 CFR 982.401(d)(2)(ii) as required by 24 CFR 578.75(b), Housing Quality Standards, requires units funded with CoC Program funds to have at least one bedroom or living/sleeping room for each two persons.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: Households experiencing homelessness are often unable to afford the limited supply of affordable housing in many jurisdictions across the country and this has been made even more challenging due to the economic impact of COVID–19. Additionally, moving to housing instead of congregate shelter reduces the spread of COVID–19. Waiving this requirement will allow households to obtain permanent housing that is affordable and that they assess is adequate. Consistent with the Executive Order on Fighting the Spread of COVID–19 by Providing Assistance to Renters and Homeowners, grantees should balance use of this waiver with the recommendations of public health officials to limit community spread and reduce risks to high-risk populations.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived from publication of this waiver until public health officials determine no additional special measures are necessary to prevent the spread of COVID–19.

Nature of Requirement: Recipients providing PSH must serve individuals and families where one member of the household has a qualifying disability (for dedicated projects and DedicatedPLUS projects that individual must be the head of household). Further, the recipient must document a qualifying disability of one of the household members. When documentation of disability is the intake worker's observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: On March 31, 2020 HUD waived the requirement to obtain additional evidence within 45 days and instead allowed recipients up to 6-months from the date of application for assistance to confirm intake staff-recorded observations of disability with other evidence because recipients were reporting difficulty obtaining third-party documentation of a disability in the middle of a pandemic, impacting their ability to house potential program participants quickly. However, recipients are still reporting difficulty obtaining third-party documentation because of the continuing pandemic, so HUD is now entirely waiving the requirement at 24 CFR

578.103(a)(4)(i)(B) that recipients obtain additional evidence to verify intake staff-recorded observations of disability to allow recipients' until the end of the pandemic. This will permit intake staff to house people quickly by relying on intake-staff recorded observation of a disability.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 578.103(a)(7)(iv).

Project/Activity: The waiver of the requirement at 24 CFR 578.103(a)(7)(iv) that the recipient or subrecipient may only rely on program participant self-certification of income if the other permitted types of documentation are unobtainable when conducting the initial or subsequent rent or occupancy charge calculations is in effect from the date of this memorandum until December 31, 2020. During this time, 24 CFR 578.103(a)(7)(iv) is waived to the extent necessary to allow recipients or subrecipients to document annual income with the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation, even if source documents and third-party 4 verification, are obtainable.

Nature of Requirement: 24 CFR 578.103(a)(7) requires the recipient or subrecipient to keep records of the program participant's income and the back-up documentation they relied on to determine income. The regulation establishes an order of preference for the type of documentation that recipients can rely upon.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 2020.

Reason Waived: HUD understands that documentation may be difficult to obtain as a result of COVID–19 pandemic; therefore, waiving the requirement that source documents and third-party documentation be unobtainable in order for recipients or subrecipients to rely on a program participant's own certification of their income will help recipients and subrecipients house program participants more quickly and determine the appropriate rent contribution or occupancy charge. Moving people experiencing homelessness more quickly into housing enables social distancing and helps prevent the spread of COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 200.73 (c).

Project/Activity: Pendleton III Apartments, Cincinnati, Ohio, Project No., one listed

Nature of Requirement: HUD's regulation at 24 CFR 200.73 (c) requiring that ''not less than five rental dwelling units [of an FHA insured multifamily housing project] shall be on one site. Section 3.1.CC of the 2016 MAP Guide permits a project with two or more non-contiguous parcels of land when the parcels comprise one marketable, manageable real estate entity. Prudential Huntoon Paige Associates, LLC has applied for mortgage insurance under the Section 221(d)(4) program for Pendleton III Apartments. The proposal is to combine eighteen separate, scattered site, Section 8 assisted properties known as Pendleton III into a single manageable property consisting of 78 total affordable units. The property consists of eighteen sites scattered across a half mile radius area of downtown Cincinnati. Ten of the eighteen sites have fewer than 5 units.

Granted by: Dana T. Wade, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: September 18, 2020.

Reason Waived: The waiver will meet HUD's goal of preserving and maintaining affordable rental housing for low income families. The project is a low risk to the Department due to its continuing availability of Section 8 rental assistance for most units.

Contact: Patricia M. Burke, Director, Office of Multifamily Production, HTD, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 242.58(b)(ii) and 24 CFR 242.58(b)(iv).

Project/Activity: Englewood Hospital and Medical Center, Englewood, New Jersey

Nature of Requirement: 24 CFR 242.58(b)(ii) and (b)(iv) require the submission of quarterly financial statements to HUD within 40 days after the end of the Borrower's fiscal quarter, and requires the submission of annual audited financial statements to HUD within 120 days after the end of the Borrower's fiscal year.

Granted By: Dana T. Wade, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 18, 2020.

Reason Waived: The Borrower required the extension to allow for additional time to finalize its financial reports at the end of each reporting period.

Contact: Paul Giaudrone, Underwriting Director, Office of Hospital Facilities, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 409 3rd Street SW, Room Washington DC 20024, telephone (202) 402–5684.

• *Regulation:* 24 CFR 266.410(e).

Project/Activity: Colorado Housing and Finance Authority (CHFA), no project name or number listed.

Nature of Requirement: The 24 CFR 266.410(e), which requires mortgages insured under the 542(c) Housing Finance Agency Risk Sharing Program to be fully amortized over the term of the mortgage. The waiver would permit CHFA to use balloon loans that would have a minimum term of 17 years and a maximum amortization period of 40 years for the projects identified in the ''Multifamily Pipeline Projects''.

Granted by: Dana T. Wade, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: July 28, 2020.

Reason Waived: The waiver was granted to allow Colorado Housing and Finance Authority's (CHFA) clients additional financing options to their customers and to align CHFA business practices with industry standards, thus furthering the creation of a preservation of affordable housing throughout Colorado.

The regulatory waiver is subject to the following conditions:

1. The waiver is limited to nine (9) transactions and expires on July 31, 2021.

2. Colorado Housing and Finance Authority must elect to take 50 percent or more of the risk of loss on all transactions;

3. Mortgages made under this waiver may have amortization periods of up to 40 years, but with a minimum term of 17 years;

4. All other requirements of 24 CFR 266.410—Mortgage Provision remain

applicable. The waiver is applicable only to loans made under Colorado Housing and Finance Authority's Risk Sharing Agreement;

5. In accordance with 24 CFR 266.200(d), the mortgage may not exceed an amount supportable by the lower of the Section 8 or comparable unassisted rents;

6. Projects must comply with Davis-Bacon labor standards in accordance with 24 CFR 266.225;

7. Colorado Housing and Finance Authority must comply with regulations stated in 24 CFR 266.210 for insured advances or insurance upon completion transactions;

8. The loans exceeding $50 million require a separate waiver request;

9. Occupancy is no less than 93 percent for previous 12 months of the HFA loan to be refinanced;

10. No defaults in the last 12 months of the HFA loan to be refinanced;

11. A 20-year affordable housing deed restriction placed on title that conforms to the Section 542(c) statutory definition;

12. A Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and

13. For projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts:

i. a: Owner agrees to renew HAP contract(s) for 20-year term, (subject to appropriations and statutory authorization, etc.), and b: In accordance with regulations in 24 CFR 883.306(e), and Housing Notice 2012–14—Use of ''New Regulation'' Section 8 Housing Assistance Payments (HAP) Contracts Residual Receipts of Offset Project-Based Section 8 Housing Assistance Payments, if at any time Colorado Housing and Finance Authority determines that a project's excess funds (surplus cash) after project operations, reserve requirements and permitted distributions are met, Colorado Housing and Finance Authority must place the excess funds into a separate interest-bearing account. Upon renewal of a HAP Contract the excess funds can be used to reduce future HAP payments or other project operations/purposes. When the HAP Contract expires, is terminated, or any extensions are terminated, any unused funds remaining in the Residual Receipt Account at the time of the contract's termination must be returned.

Contact: Patricia M. Burke, Director, Office of Multifamily Production, HTD, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5693.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 985.105(d).

Project/Activity: Greenfield Housing Authority requested to change their troubled Section Eight Management Assessment Program (SEMAP) rating.

Nature of Requirement: 24 CFR 985.105(d) requires that the Department of Housing and Urban Development (HUD) conduct an on-site confirmatory review of a Public Housing Agency's (PHA's) performance before changing any annual overall performance rating from troubled to standard or high performer.

Granted By: R. Hunter Kurtz, Assistant Secretary, Public and Indian Housing.

Date Granted: September 24, 2020.

Reason Waived: PHAs rely on their SEMAP designation to indicate to the public and other stakeholders the health and performance of their Housing Choice Voucher (HCV) program. Moreover, in accordance with 24 CFR 985.107(f), HUD shall change a PHA's overall performance rating from troubled to standard or high performer if HUD determines that a change in the rating is warranted because of improved PHA performance and an improved SEMAP score. The PHA believed it would receive a higher rating and be removed from the designation of SEMAP Troubled if HUD's review were done remotely. Therefore, in lieu of the on-site confirmatory review and in accordance with HUD's modified operational procedures in response to the COVID–19 pandemic, HUD determined good cause to waive 24 CFR 985.105(d) and permit the field office to perform a remote SEMAP quality control review of the documentation necessary to confirm the accuracy of the PHA's SEMAP certification.

Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4202, Washington, DC 20410, telephone (202) 402–5264.

• *Regulation:* 24 CFR 982.517; 24 CFR 983.301(f)(2)(ii).

Project/Activity: Housing Authority of the City of Annapolis requested a project-specific utility allowance for a Project Based Voucher (PBV) project.

Nature of Requirement: For the Housing Choice Voucher (HCV) program, 24 CFR 982.517 requires that a PHA maintain a utility allowance schedule for all tenant-paid utilities, and the utility allowance schedule must be determine based on the typical cost of utilities and services paid by energy-conserving households that occupy units of similar size and type in the same locality. For the PBV program, 24 CFR 983.301(f)(2)(ii) requires that PHAs may not establish or apply different utility allowance amounts for the PBV program, and that the same PHA utility allowance schedule applies to both the tenant-based and PBV programs.

Granted By: R. Hunter Kurtz, Assistant Secretary, Public and Indian Housing.

Date Granted: September 24, 2020.

Reason Waived: The PHA requested a waiver to establish a site-specific utility allowance for a PBV project and provided justification for the request. The PHA submitted an analysis of utility rates for the community and consumption data of project residents. Due to the energy efficient upgrades at the project, the community consumption estimates are significantly higher than the consumption expected at the site. Thus, the PHA demonstrated good cause that the utility allowance provided under the HCV program would discourage conservation and ultimately lead to inefficient use of HAP funds at the PBV project. Thus, pursuant to the waiver authority provided at 24 CFR 5.110, HUD determined that there was good cause to waive 24 CFR 983.301(f)(2)(ii) and 24 CFR 982.5 17.

Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4202, Washington, DC 20410, telephone (202) 402–5264.

• *Regulation:* 24 CFR 982.517; 24 CFR 983.301(f)(2)(ii).

Project/Activity: Housing Authority of the City of Austin requested a project-specific utility allowance for a Project Based Voucher (PBV) project.

Nature of Requirement: For the Housing Choice Voucher (HCV) program, 24 CFR 982.517 requires that a PHA maintain a utility allowance schedule for all tenant-paid utilities, and the utility allowance schedule must be determine based on the typical cost of utilities and services paid by energy-conserving households that occupy units of similar size and type in the same locality. For the Project Based Voucher (PBV) program, 24 CFR

983.301(f)(2)(ii) requires that PHAs may not establish or apply different utility allowance amounts for the PBV program, and that the same PHA utility allowance schedule applies to both the tenant-based and PBV programs.

Granted By: R. Hunter Kurtz, Assistant Secretary, Public and Indian Housing.

Date Granted: September 24, 2020.

Reason Waived: The PHA requested a waiver to establish a site-specific utility allowance for a PBV project and provided justification for the request. The PHA submitted an analysis of utility rates for the community and consumption data of project residents. Due to the energy efficient upgrades at the project, the community consumption estimates are significantly higher than the consumption expected at the site. Thus, the PHA demonstrated good cause that the utility allowance provided under the HCV program would discourage conservation and ultimately lead to inefficient use of HAP funds at the PBV project. Thus, pursuant to the waiver authority provided at 24 CFR 5.110, HUD determined that there was good cause to waive 24 CFR 983.301(f)(2)(ii) and 24 CFR 982.5 17.

Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4202, Washington, DC 20410, telephone (202) 402–5264.

- *Regulation:* 24 CFR 985.101(a).

Project/Activity: Edinburg Housing Authority requested for HUD to accept a late submission for its Section Eight Management Assessment Program (SEMAP) certification and HUD issue a new SEMAP score.

Nature of Requirement: 24 CFR 985.101(a) requires a Public Housing Agency (PHA) to submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year. Failure of a PHA submitting its SEMAP certification by the set deadline results in an overall performance rating of troubled. The PHA's SEMAP certification is subject to HUD verification by an on-site confirmatory review.

Granted By: R. Hunter Kurtz, Assistant Secretary, Public and Indian Housing.

Date Granted: September 24, 2020.

Reason Waived: In response to the COVID–19 pandemic, in Section 11.b. of Notice PIH 2020–13, HUD notified PHAs administering the Housing Choice Voucher (HCV) program that have a SEMAP score pending as of the date of the notice, and for any PHA with a fiscal year ending on or before December 31, 2020, HUD would not issue a new SEMAP score and would carry forward the most recent SEMAP score on record unless the PHA requests a new SEMAP. The PHA requested that HUD accept a late submission for the SEMAP certification, and a new score be issued. The PHA received an overall rating score as high and standard performer on its two prior SEMAP certifications in 2018 and 2019, respectively. Due to these circumstances and pursuant to the waiver authority provided at 24 CFR 5.1 10, HUD determined there was good cause to waive 24 CFR 985.101(a) to permit the PHA to submit its SEMAP certification after the deadline for its fiscal year ending March 31, 2020. The PHA was advised to request a new SEMAP score through HUD's local field office.

Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4202, Washington, DC 20410, telephone (202) 402–5264.

HUD's Summary of CARES Act Notices Providing Waivers 3/31/20 to 9/30/20

Authority: Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and regulatory waiver authority is also provided by 24 CFR 5.110 and 91.600.

Office of Community Planning and Development (CPD)

1. *CPD Memo:* Availability of Waivers of CPD Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID–19 and Mitigate Economic Impacts Caused by COVID–19 for CoC, ESG, and HOPWA.

Date Issued: March 31, 2020

Purpose: This memorandum explains the availability of waivers of certain regulatory requirements associated with several CPD grant programs (HOPWA, ESG, CoC) to prevent the spread of COVID–19 and to facilitate assistance to eligible communities and households economically impacted by COVID–19.

2. *CPD Memo:* CARES Act Flexibilities for ESG and HOPWA Funds Used to Support Coronavirus Response and Plan Amendment Waiver.

Date Issued: May 4, 2020

Purpose: Announced the allocations and provides guidance regarding the first $3 billion in HUD CARES Act funding, including $1 billion for ESG grantees, $2 billion for Community Development Block Grant (CDBG) grantees, and $53.7 million for Housing Opportunities for Persons With AIDS (HOPWA) grantees.

3. *CPD Memo:* Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID–19 and Mitigate Economic Impacts Caused by COVID–19.

Date Issued: May 22, 2020

Purpose: This memorandum explains the availability of waivers of certain regulatory requirements and one NOFA requirement associated with several CPD grant programs to prevent the spread of COVID–19 and to facilitate assistance to eligible communities and households economically impacted by COVID–19. This memorandum covers program-specific waivers for the following CPD programs: Housing Opportunities for Persons with AIDS (HOPWA); Continuum of Care (CoC); Youth Homelessness Demonstration Program (YHDP); and Emergency Solutions Grants Program. This memorandum also announces a simplified notification process for recipients of these programs to use this waiver flexibility to expedite the delivery of assistance.

4. *Notice CPD–20–05:* CARES Act Implementation Instructions and Related Flexibilities for the HOPWA Program: HOPWA APR/CAPER Submission.

Date Issued: May 8, 2020

Purpose: This Notice provides instructions for implementing the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116–136, provisions to the HOPWA program, and provides additional information for HOPWA grantees and project sponsors related to coronavirus disease 2019 (COVID–19) response.

5. *Notice CPD 20–07:* Guidance on conducting environmental reviews pursuant to 24 CFR part 58 for activities undertaken in response to the public health emergency as a result of COVID–19.

Date Issued: August 6, 2020

Purpose: The purpose of this Notice is to provide guidance on environmental review processing for activities needed to respond to the public health emergency as a result of COVID–19. This Notice describes:

Types of activities that meet the environmental review exemption at 24 CFR 58.34(a)(10) for improvements necessary to respond to an imminent threat to public safety; The process for using HUD's expedited public notice and condensed comment periods for

environmental reviews during a Presidentially-declared disaster or a locally declared emergency; a Table of Activities that lists examples of the types of activities that are typically needed to address a public health emergency organized by the level of environmental review required; and, prior HUD guidance on environmental review processing for activities undertaken in response to a Presidentially-declared disaster or local emergency focused on activities related to clearing debris, protecting buildings from further damage, and protecting the public from damaged structures.

6. *Notice CPD–20–08:* Waivers and Alternative Requirements for the ESG Program Under the CARES Act.

Date Issue: September 1, 2020

Purpose: This Notice announces the allocation formula, amounts, and requirements for the additional $3.96 billion in funding provided for the Emergency Solutions Grants Program (ESG) under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). These ESG–CV funds must be used to prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

7. *CPD Memo:* Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID–19 and Mitigate Economic Impacts Caused by COVID–19.

Date Issued: September 30, 2020

Purpose: Waiver regarding the homeless definition—Temporary Stays in Institutions of 90 Days or Less. Paragraph (1)(iii) of the homeless definition in 24 CFR 576.2 is waived to the extent that an individual may qualify as homeless so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. The waiver is in effect until March 31, 2021.

Office of Public and Indian Housing

1. *DLL–2020–05:* Re-verification of employment, Exterior-Only and Desktop-Only Appraisal Scope of Work Options and Tax Transcripts for the Section 184 Indian Home Loan and Section 184A Native Hawaiian Housing Loan Guarantee Programs Impacted by COVID–19.

Date Issued: 4/9/20

Purpose: The purpose of this Dear Lender Letter is to inform lenders and appraisers of HUD's authorization of the temporary modification of requirements for re-verification of employment, appraisals, and IRS tax transcripts.

2. *PIH Notice 2020–05:* COVID–19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program.

Date Issued: 4/10/20

Purpose: HUD waived and established alternative requirements for numerous statutory and regulatory requirements for the Public Housing program, Housing Choice Voucher (HCV) program, Indian Housing Block Grant (IHBG) program, and Indian Community Development Block Grant (ICDBG) program. This notice also provides information on additional actions HUD is taking, including the temporary suspension of the Public Housing Assessment System (PHAS) and the Section Eight Management Assessment Program (SEMAP). The waivers provide administrative flexibilities and relief to PHAs, Indian tribes, and TDHEs in response to the COVID–19 national emergency.

3. *PIH Notice 2020–07:* Implementation of Supplemental Guidance to the Federal Fiscal Year 2020 Operating Fund Appropriations:

Date Issued: 4/28/20

Purpose: This Notice provides guidance on the allocation and eligible uses of the Supplemental Public Housing Operating funding provided pursuant to the CARES Act (Pub. L. 116–136), as well as the additional flexibilities provided pursuant to the CARES Act to use previously appropriated Capital and Operating Funds to enable PHAs to prevent, prepare for, and respond to coronavirus. Additional waivers included in this notice include 24 CFR 990.210, 24 CFR 990.280(b), 24 CFR 990.280(b)(5) and temporarily resetting cost limitation established in 24 CFR 905.314(h).

4. *DLL–20–06:* Section 184 Indian Home Loan Guarantee program (Section 184) and Section 184A Native Hawaiian Housing Loan Guarantee program (Section 184A) loss mitigation options and clarification of eviction moratorium under Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); extension of foreclosure moratorium under the CARES Act; and extension of loan processing related flexibilities.

Date Issued: 5/19/20

Purpose: Extends the foreclosure and related evictions moratoriums and the loan processing flexibilities that expired on May 20, 2020 through June 30, 2020.

5. *DLL–20–08:* Section 184 Indian Home Loan Guarantee program (Section 184) and Section 184A Native Hawaiian Housing Loan Guarantee program (Section 184A) extension of foreclosure and related evictions moratorium and loan processing flexibilities in connection with the Presidentially Declared COVID–19 National Emergency.

Date Issued: 6/29/20

Purpose: Extends the foreclosure and related evictions moratoriums and the loan processing flexibilities through August 31, 2020.

6. *PIH Notice 2020–13:* COVID–19 Statutory and Regulatory Waivers and Alternative Requirements for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program, Revision 1.

Date Issued: 7/2/20

Purpose: In this notice, HUD restates the waivers and alternative requirements established previously in Notice PIH 2020–05, provides additional waivers and alternative requirements, extends the periods of availability for previously established waivers and alternative requirements, and issues technical amendments to several of the previously established waivers and alternative requirements. This Notice also carries forward information on previously specified HUD actions, such as the temporary suspension of the Public Housing Assessment System (PHAS) and the Section Eight Management Assessment Program (SEMAP).

7. *PIH Notice 2020–20:* Section 8 Moderate Rehabilitation Program—CARES Act Supplemental HAP Funding Allocation and COVID–19 Waivers and Alternative Requirements.

Date Issued: 8/26/20

Purpose: This notice implements funding provisions for the Section 8 Moderate Rehabilitation (Mod Rehab) Program under the CARES Act (Pub. L. 116–36). In addition, pursuant to the waiver authority provided under the CARES Act, through this notice HUD is

waiving and establishing alternative requirements for numerous statutory and regulatory requirements for the Section 8 Mod Rehab program to expedite or facilitate the use of these amounts to prevent, prepare for, and respond to coronavirus. HUD strongly encourages PHAs to utilize any and all waivers and alternative requirements as necessary to keep the Section 8 Mod Rehab program operational, to the extent practicable, during the period the program is impacted by coronavirus. This notice applies solely to the Mod Rehab Program administered by the Office of Housing Voucher Programs, Office of Public and Indian Housing (PIH). It does not apply to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program administered by the Office of Community Planning and Development in accordance with 24 CFR part 882, subpart H.

8. *DLL–2020–10:* Section 184 Indian Home Loan Guarantee program (Section 184) and Section 184A Native Hawaiian Housing Loan Guarantee program (Section 184A) extension of foreclosure and eviction moratorium and loan processing flexibilities in connection with the Presidentially Declared COVID–19 National Emergency.

Date Issued: 8/28/20

Purpose: Extends the foreclosure and related evictions moratoriums and the loan processing flexibilities through October 31, 2020.

9. *PIH Notice 2020–22:* CARES Act Implementation for the Mainstream Voucher Program—Non-Competitive Opportunity for Additional Vouchers Authorized by the CARES Act, Temporary Waivers and Alternative Requirements, and Modified 2020 Housing Assistance Payment (HAP) Renewal Calculation.

Date Issued: 9/8/20

Purpose: This notice provides additional waivers and alternative requirements that apply only to Mainstream vouchers and may be applied in addition to the waivers and alternative requirements provided in PIH Notice 2020–13; additional Mainstream Voucher Temporary Waivers and Alternative Requirements can be found in Section 3 of this Notice. The Secretary has determined that these waivers and alternative requirements are necessary for the safe and effective administration of the HCV program, consistent with the purposes described under the CARES Act, to prevent, prepare for, and respond to COVID–19.

10. *PIH Notice 2020–24:* Extension of Period of Availability for CARES Act Supplemental Public Housing and Housing Choice Voucher Funds, Guidance on CARES Act Financial Reporting Requirements (FDS and Quarterly Reporting), and Other CARES Act Provisions.

Date Issued: 9/14/20

Purpose: The Notice extends the deadline for PHAs to expend the Supplemental Public Housing Operating Funds; The Notice extends the deadline, for PHAs to expend the CARES Act HCV Supplemental HAP and Administrative Fees (including such funds provided for the Mainstream Program), and the CARES Act Moderate Rehabilitation Program Supplemental HAP funds; The Notice extends the waiver authority of central office cost center (COCC) fees in excess of the safe harbor amounts to the fees charged to the CARES Act supplemental HCV and Mainstream Administrative Fees and provides further implementation guidance for PHAs that used CARES Act supplemental Operating Funds or HCV and Mainstream Administrative Fees under this waiver authority; HUD has extended the unaudited submission due date for PHAs with a 6/30/2020 FYE by 60 days, from 08/31/2020 to 10/30/2020; The Notice provides financial reporting requirements and sub-regulation guidance on CARES Act supplemental funds (Public Housing Operating Fund, HCV, Mainstream Voucher and Moderate Rehabilitation programs) for PHA year-end Financial Data Schedule (FDS) reporting; and the Notice provides guidance on the implementation of CARES Act supplemental funds quarterly reporting requirements. FDS and CARES Act quarterly reporting for Moving to Work (MTW) PHAs and the COCC is also provided in this Notice.

11. *PIH Notice 2020–27:* Waiver of Undisbursed Funds Factor (UDFF) Requirements Under the Indian Housing Block Grant Program for Fiscal Year 2021.

Date Issued: 9/30/20

Purpose: Due to the pandemic, IHBG recipients are facing significant impediments to administering their IHBG programs. Given significant impediments, HUD has determined that a waiver of the UDFF under 24 CFR 1000.342 for the FY 2021 IHBG formula allocations is necessary to expedite and facilitate the use of IHBG–CARES funds. The waiver provided in this Notice only affects the FY 2021 IHBG formula allocations—and does not apply to IHBG formula allocations in years beyond FY 2021.

12. *DLL–2020–12:* Section 184 Indian Home Loan Guarantee Program (Section 184) and Section 184A Native Hawaiian Housing Loan Guarantee Program (Section 184A) Extension of Re-verification of Employment and Tax Transcript Flexibilities and Updated Appraisal Flexibilities in Connection with the COVID–19 National Emergency.

Date Issued: 10/30/20

Purpose: Section 184 Indian Home Loan Guarantee Program (Section 184) and Section 184A Native Hawaiian Housing Loan Guarantee Program (Section 184A) Extension of Re-verification of Employment and Tax Transcript Flexibilities and Updated Appraisal Flexibilities in Connection with the COVID–19 National Emergency.

13. *PIH Notice 2020–33:* COVID–19 Statutory and Regulatory Waivers and Alternative Requirements for the Public Housing, Housing Choice Voucher (including Mainstream and Mod Rehab), Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program, Revision 2.

Date Issued: 11/30/20

Purpose: This Notice restates the waivers and alternative requirements included previously in Notice PIH 2020–13, carries forward information on previously specified HUD actions, adds new waivers and alternative requirements, and incorporates the waivers and alternative requirements for Mainstream vouchers and the Mod Rehab Program. In addition, this Notice extends the period of availability of certain waivers, such as those related to Income Verification and Annual Examinations, until June 30, 2021.

[FR Doc. 2021–06920 Filed 4–2–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A51010.999900]

Indian School Equalization Program (ISEP) and ISEP Student Transportation Funding Formulas

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal listening session and public meetings.

SUMMARY: The Bureau of Indian Education (BIE) will conduct Tribal listening sessions to obtain oral and written comments on the Indian School

Equalization Program (ISEP) and Student Transportation funding formulas to inform formal tribal consultation planned for the summer.

DATES: Comments must be received on or before June 30, 2021 at 11:59 p.m. ET. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on dates and locations of listening sessions.

ADDRESSES: Send comments to: *consultation@bia.gov,* or by mail to: Bureau of Indian Education, Emmalani Longenecker, Indian School Rd. NW, Building 2—Suite 352 Albuquerque, NM 87104.

FOR FURTHER INFORMATION CONTACT: Emmalani Longenecker, Special Assistant to the Deputy Bureau Director of School Operations, Bureau of Indian Education; phone (505) 563–5368 or *Emmalani.Longenecker@bie.edu.*

SUPPLEMENTARY INFORMATION: The purpose of the listening sessions is to provide Indian Tribes, school boards, parents, Indian organizations, and other interested parties with an opportunity to comment on the current Transportation and ISEP formulas and the respective distribution methodologies. After the listening sessions, the BIE will schedule formal Tribal consultation to discuss specific recommendations for updating the ISEP and transportation regulations, including the formula and funding distribution methodology. The sessions/meetings will be held:

- Tuesday, April 20, 2021, 2 p.m.–5 p.m. Eastern Time
- Thursday, April 22, 2021, 2 p.m.–5 p.m. Eastern Time

Please register in advance using this link: *https://www.zoomgov.com/meeting/register/vJItcOCtrDssHoGT0RoUDpgQJstNrNZnhZM.*

Once registered, you will receive a confirmation email containing information about joining the meeting.

Public Comment Availability

Written comments, including names, street addresses of respondents, will be available for public review at the location listed under the **ADDRESSES** section of this notice, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifiable information from public view, we cannot guarantee that we will be able to do so.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021–06923 Filed 4–2–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[212D0102DM DS61100000 DLSN00000.000000 DX61101; OMB Control Number 1094–0001]

Agency Information Collection Activities; The Alternatives Process in Hydropower Licensing

AGENCY: Office of the Secretary, Office of Environmental Policy and Compliance, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995), the Office of the Secretary, Office of Environmental Policy and Compliance, Department of the Interior (we) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 4, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Dr. Shawn Alam, Office of Environmental Policy and Compliance, U.S. Department of the Interior, MS 2629–MIB, 1849 C Street NW, Washington, DC 20240; or by email to *Shawn_Alam@ios.doi.gov.* Please reference OMB Control Number 1094–0001 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Dr. Shawn Alam by email at *Shawn_Alam@ios.doi.gov,* or by telephone at (202) 208–5465.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act and 5 CFR 1320.8(d)(1), all information collections require approval. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The OMB regulations at 5 CFR part 1320, which implement the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.,* require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)).

On November 23, 2016, the Departments of Agriculture, the Interior, and Commerce published a final rule on the March 31, 2015 revised interim final rule to the interim rule originally published in November 2005 at 7 CFR part 1, 43 CFR part 45, and 50 CFR part 221, to implement section 241 of the Energy Policy Act of 2005 (EP Act), Public Law 109–58, enacted on August 8, 2005. Section 241 of the EP Act added a new section 33 to the Federal Power Act (FPA), 16 U.S.C. 823d, that allowed

the license applicant or any other party to the license proceeding to propose an alternative to a condition or prescription that one or more of the Departments develop for inclusion in a hydropower license issued by the Federal Energy Regulatory Commission (FERC) under the FPA. This provision required that the Department of Agriculture, the Department of the Interior, and the Department of Commerce collect the information covered by 1094–0001.

Under FPA section 33, the Secretary of the Department involved must accept the proposed alternative if the Secretary determines, based on substantial evidence provided by a party to the license proceeding or otherwise available to the Secretary, (a) that the alternative condition provides for the adequate protection and utilization of the reservation, or that the alternative prescription will be no less protective than the fishway initially proposed by the Secretary, and (b) that the alternative will either cost significantly less to implement or result in improved operation of the project works for electricity production.

In order to make this determination, the regulations require that all of the following information be collected: (1) A description of the alternative, in an equivalent level of detail to the Department's preliminary condition or prescription; (2) an explanation of how the alternative: (i) If a condition, will provide for the adequate protection and utilization of the reservation; or (ii) if a prescription, will be no less protective than the fishway prescribed by the bureau; (3) an explanation of how the alternative, as compared to the preliminary condition or prescription, will: (i) Cost significantly less to implement; or (ii) result in improved operation of the project works for electricity production; (4) an explanation of how the alternative or revised alternative will affect: (i) Energy supply, distribution, cost, and use; (ii) flood control; (iii) navigation; (iv) water supply; (v) air quality; and (vi) other aspects of environmental quality; and (5) specific citations to any scientific studies, literature, and other documented information relied on to support the proposal.

This notice of proposed renewal of an existing information collection is being published by the Office of Environmental Policy and Compliance, Department of the Interior, on behalf of all three Departments, and the data provided below covers anticipated responses (alternative conditions/prescriptions and associated information) for all three Departments.

Title of Collection: 7 CFR part 1; 43 CFR part 45; 50 CFR part 221; The Alternatives Process in Hydropower Licensing.

OMB Control Number: 1094–0001.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Business or for-profit entities.

Total Estimated Number of Annual Respondents: 5.

Total Estimated Number of Annual Responses: 5.

Estimated Completion Time per Response: 500 hours.

Total Estimated Number of Annual Burden Hours: 2,500 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per alternative proposed.

Total Estimated Annual Nonhour Burden Cost: None.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2021–06909 Filed 4–2–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212 LLHQ640000L18200000.XP0000; OMB Control No. 1004–0204]

Agency Information Collection Activities; Bureau of Land Management Resource Advisory Council Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 4, 2021.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0204 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Carrie M. Richardson, BLM National Advisory Council Coordinator, by email at *crichardson@blm.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM collections the information on the Resource Advisory Council Application (Form No. 1120–19) to determine education, training, and experience related to possible service on advisory committees established under the authority of Section 309 of the Federal Land Policy and Management Act (43 U.S.C. 1739) and the Federal Advisory Committee Act, 5 U.S.C. App. 2. This information is necessary to ensure that each advisory council is structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter. This request is for OMB to renew for this OMB control number for an additional three years.

Title of Collection: Bureau of Land Management Resource Advisory Council Application (43 CFR Subpart 1784).

OMB Control Number: 1004–0204.

Form Number: 1120–19.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Persons who apply for positions on Resource Advisory Councils.

Total Estimated Number of Annual Respondents: 200.

Total Estimated Number of Annual Responses: 200.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 800.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2021–06908 Filed 4–2–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0072; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Commercial Prospecting, Noncommercial Geological and Geophysical Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) proposes to renew an information collection request (ICR) with revisions.

DATES: Interested persons are invited to submit comments on or before June 4, 2021.

ADDRESSES: Send your comments on this ICR by mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov*. Please reference OMB Control Number 1010–0072 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Anna Atkinson by email at *anna.atkinson@boem.gov,* or by telephone at 703–787–1025.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

BOEM seeks comments on the proposed ICR described below. BOEM is especially interested in comments addressing the following issues: (1) Is the collection necessary to conduct the proper functions of BOEM; (2) what can BOEM do to ensure that this information is processed and used in a timely manner; (3) is the burden estimate accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments submitted in response to this notice are a matter of public record. BOEM will include or summarize each comment in its request to the Office of Management and Budget (OMB) for approval of this ICR. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information—may be publicly disclosed. In order to inform BOEM's decision on whether it can withhold from disclosure your personally identifiable information, you must identify any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your privacy, and briefly describe possible harmful consequences of disclosing that information, such as embarrassment, injury, or other harm. While you can ask BOEM in your comment to withhold your personally identifiable information from public disclosure, BOEM cannot guarantee that it will be able to do so.

BOEM protects proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 552) and the Department of the Interior's implementing regulations (43 CFR part 2).

Title of Collection: Commercial Prospecting, Noncommercial Geological and Geophysical Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf (Applicable, in part, to 30 CFR part 580).

Abstract: This ICR concerns the information collection requirements in 30 CFR part 580, ''Prospecting for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf [OCS]'', which includes commercial prospecting and scientific research. This request also includes information collection requirements related to authorizations of noncommercial geological and geophysical (G&G) exploration issued pursuant to section 11 of the Outer Continental Shelf Lands Act (OCS Lands Act), as amended (43

U.S.C. 1340 *et seq.,* and 43 U.S.C. 1801 *et seq.*).

The OCS Lands Act authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of mineral resources on the OCS. Section 8 of the OCS Lands Act authorizes the Secretary ''. . . to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the [O]uter Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.'' 43 U.S.C. 1337(k)(1). The same section also authorizes the Secretary to noncompetitively negotiate agreements for the use of OCS sand, gravel, and shell resources for use in shore protection, beach restoration, or coastal wetlands restoration projects undertaken by a Federal, State, or local government agency, or for use in a construction project funded in whole or in part by or authorized by the Federal Government. 43 U.S.C. 1337(k)(2).

Section 11 of the OCS Lands Act states that ''. . . any person authorized by the Secretary may conduct geological and geophysical explorations in the [O]uter Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area.'' 43 U.S.C. 1340(a)(1). Section 2 of the OCS Lands Act defines the term ''exploration'' to mean the process of searching for minerals, including, among other things, ''geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals.'' 43 U.S.C. 1331(k). Section 11 also requires that permits or authorizations for geologic exploration be issued if it is determined that the applicant is qualified and the exploration will neither result in pollution nor create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archaeological significance. 43 U.S.C. 1340(g).

BOEM considers applications for commercial prospecting and noncommercial exploration for marine minerals as well as scientific research related to marine minerals. Under 30 CFR part 580, G&G prospecting by any person on unleased lands or on lands leased to a third party requires a BOEM permit. G&G activities conducted for scientific or academic purpose require submission of a scientific research notice. See 30 CFR 580.11. Because 30 CFR part 580 does not apply to noncommercial exploration, such activities are authorized directly pursuant to section 11 of the OCS Lands Act. Noncommercial exploration includes searching for sand, gravel, and other sources of sediment for potential use in qualifying beach nourishment and coastal restoration projects.

As a Federal agency, BOEM must comply with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), and Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), among other environmental laws. Compliance with the Endangered Species Act includes a substantive duty to carry out agency action in a manner that is unlikely to jeopardize protected species or adversely modify designated critical habitat as well as a procedural duty to consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as applicable, before engaging in a discretionary action that may affect a protected species.

Respondents must submit form BOEM–0134, ''Requirements for Geological and Geophysical Prospecting, Exploration, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur,'' to provide the information necessary to evaluate their request to conduct G&G prospecting, exploration, or scientific research activities. BOEM uses the submitted information to ensure there will be neither adverse effects to the marine, coastal, or human environment, personal harm, unsafe operations and conditions, nor unreasonable interference with other uses; to analyze and evaluate preliminary or planned mining activities; to monitor progress and activities in the OCS; to acquire G&G data and information collected under a Federal permit or authorization; and to determine eligibility for reimbursement from the Government for certain costs. Upon approval, BOEM issues respondents a permit or an authorization (BOEM–0135 form, ''Permit for Geophysical Prospecting for Mineral Resources, Authorization of Geophysical Exploration for Minerals Resources, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur,'' and BOEM–0136 form, ''Permit for Geological Prospecting for Mineral Resources, Authorization of Geological Exploration for Minerals Resources, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur).

BOEM uses the information collected to understand the G&G characteristics of marine mineral-bearing physiographic regions of the OCS. The information aids BOEM in analyzing and weighing the potential for environmental damage, the discovery of marine minerals, and any associated impacts on adjacent coastal States.

OMB Control Number: 1010–0072.

Form Number: BOEM–0134, ''Requirements for Geological and Geophysical Prospecting, Exploration, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur.''

The following forms are the permit forms issued by BOEM based on information provided in BOEM–0134:

BOEM–0135, ''Permit for Geophysical Prospecting for Mineral Resources, Authorization of Geophysical Exploration for Minerals Resources, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur.''

BOEM–0136, ''Permit for Geological Prospecting for Mineral Resources, Authorization of Geological Exploration for Minerals Resources, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur.''

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Permittees, applicants, and other respondents, including those required to only file notices (scientific research).

Total Estimated Number of Annual Responses: 49 responses.

Total Estimated Number of Annual Burden Hours: 730 hours.

Respondent's Obligation: Mandatory or required to obtain or retain a benefit.

Frequency of Collection: On occasion, annual, or as specified in permits.

Total Estimated Annual Non-Hour Burden Cost: $4,024 non-hour cost burden.

Estimated Reporting and Recordkeeping Hour Burden: BOEM estimates 730 burden hours for this renewal, which is a 245 annual burden hour increase over the currently approved information collection. The increase in burden hours is in relationship to the increases in the number of annual applications and authorizations.

The following table details the individual BOEM components and respective hour burden estimates of this ICR. In calculating the burden hours, BOEM assumed that respondents perform certain usual and customary requirements in the normal course of their activities.

Citation 30 CFR part 580, as applicable	Reporting and recordkeeping requirements	Hour burden	Average number of annual responses	Annual burden hours
		Non-hour cost burden [1]		
Subpart B				
10; 11(a); 12; 13; Permit Form.	Apply for permit or authorization (Form BOEM–0134) to conduct prospecting or noncommercial G&G exploration, including prospecting/exploration plan and environmental assessment or required drilling plan. Provide notifications & additional information as required.	88	2 permit applications ..... 4 applications for authorization.	176 352
		$2,012 permit application fee × 2 permits [2] = $4,024		
11(b); 12(c)	File notice to conduct scientific research activities related to hard minerals, including notice to BOEM prior to beginning and after concluding activities.	8	3 notices	24
Subtotal			9 responses	552 hours
			$4,024 non-hour cost burden	
Subpart C				
21(a)	Report to BOEM if hydrocarbon/other mineral occurrences are detected; if environmental hazards that imminently threaten life and property are detected; or adverse effects occur to the environment, aquatic life, archaeological resources, or other uses of the area.	1	2 reports	2
22	Submit request for approval to modify operations, with required information.	1	4 requests	4
23(b)	Request reimbursement for food, quarters, and/or transportation expenses for BOEM inspection.	1	3 requests	3
24	Submit status and final reports on specified schedule with daily log.	16	6 reports	96
28	Request relinquishment of permit by certified or registered mail.	1	1 request [3]	1
31(b); 73(a)(b)	Governor(s) of adjacent State(s) submit to BOEM: Comments on activities involving an environmental assessment; any agreement between Governor and Secretary upon Governor's request for proprietary data, information, and samples; and any disclosure agreement.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
33, 34	Appeal civil penalty; appeal order or decision	Burden exempt under 5 CFR 1320.4(a)(2); (c).		0
Subtotal			16 responses	106
Subpart D				
40; 41; 50; 51; Permit Form.	Notify BOEM and submit G&G data including analysis, processing or interpretation of information collected under a permit/authorization and/or processed by permittees or 3rd parties, including reports, logs or charts, results, analyses, descriptions, etc., as required.	8	5 submissions	40
42(b); 52(b)	Advise 3rd party recipient in writing that it assumes obligations as condition precedent of sale—no submission to BOEM is required.	½	4 notices	2
42(c), (d); 52(c), (d)	Written notification to BOEM of sale, trade, transfer, or licensing of data and identify recipient.	1	1 notice	1
60; 61	Request reimbursement for costs of reproducing data/information & certain processing costs.	1	1 request [3]	1

Citation 30 CFR part 580, as applicable	Reporting and recordkeeping requirements	Hour burden	Average number of annual responses	Annual burden hours
		Non-hour cost burden [1]		
70	Enter disclosure agreement	4	1 agreement	4
72(b)	Submit comments on BOEM's intent to disclose data/information for reproduction, processing, and interpretation.	4	1 response	4
72(d)	Independent contractor or agent prepares and signs written commitment not to sell, trade, license, or disclose data/information without BOEM approval.	4	2 submissions	8
Subtotal			15 responses	60
	General			
Part 580	General departure and alternative compliance requests not specifically covered elsewhere in Part 580 regulations.	4	1 request	4
Permits [4]	Request extension of permit/authorization time period.	1	2 requests	2
Permits [4]	Retain G&G data/information for 10 years and make available to BOEM upon request.	1	6 respondents	6
Subtotal			9 responses	12 hours
Total Burden			49 responses	730 hours
			$4,024 non-hour cost burdens	

[1] Fees are subject to modification for inflation annually. Fees only apply to prospecting permits, not scientific research notices or noncommercial G&G exploration authorizations.
[2] Only prospecting permits, not scientific research notices or noncommercial G&G exploration authorizations, are subject to cost recovery.
[3] No requests received for many years. Minimal burden for regulatory (PRA) purposes only.
[4] These permits/authorizations are prepared by BOEM and sent to respondents; therefore, the forms themselves carry minimal burden hours.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulation, and Analysis.

[FR Doc. 2021–06973 Filed 4–2–21; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0061]

Agency Information Collection Activities; Permanent Regulatory Program—Small Operator Assistance Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 4, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov*. Please reference Office of Management and Budget (OMB) Control Number 1029–0061 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at 202–208–2716. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility; (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility,

and clarity of the information to be collected; and (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This information collection requirement is needed to provide assistance to qualified small mine operators under section 507(c) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1257(c). The information requested will provide the regulatory authority with data to determine the eligibility of the applicant and the capability and expertise of laboratories to perform required tasks.

Title of Collection: Permanent Regulatory Program–Small Operator Assistance Program.

OMB Control Number: 1029–0061.

Form Number: FS–6.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State governments and businesses.

Total Estimated Number of Annual Respondents: 4.

Total Estimated Number of Annual Responses: 4.

Estimated Completion Time per Response: Varies from one hour to 70 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 93.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2021–06938 Filed 4–2–21; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0103]

Agency Information Collection Activities; Certification and Noncoal Reclamation

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 4, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0103 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at 202–208–2716.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility; (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The regulations at 30 CFR part 875 contain procedures and requirements for a Governor of a State or equivalent head of an Indian tribe to certify to the Secretary of the Interior that the State/Indian tribe has achieved all known coal related reclamation objectives. The Part also contains procedures for States and Indian tribes to implement a noncoal reclamation program as set forth in Section 411 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1240(a).

Title of Collection: Certification and Noncoal Reclamation.

OMB Control Number: 1029–0103.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal governments.

Total Estimated Number of Annual Respondents: 1.

Total Estimated Number of Annual Responses: 1.

Estimated Completion Time per Response: 80 hours.

Total Estimated Number of Annual Burden Hours: 80.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2021–06937 Filed 4–2–21; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0039]

Agency Information Collection Activities; Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 5, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0039 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 15, 2020 (85 FR 65421). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Sections 507(b), 508(a) and 516(b) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Public Law 95–87, 30 U.S.C. 1257(b), 1258(a), and 1266(b), require underground coal mine permit applicants to submit an operation and reclamation plan that meets SMCRA's performance standards for the mining operation. Information submitted is used by the regulatory authority to determine if the applicant can comply with the applicable performance and environmental standards required by the law.

Title of Collection: Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–0039.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses and State governments.

Total Estimated Number of Annual Respondents: 33.

Total Estimated Number of Annual Responses: 894.

Estimated Completion Time per Response: Varies from 2 hours to 80 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 17,621.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $322,136.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2021–06939 Filed 4–2–21; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–650–651 (Final)]

Phosphate Fertilizers From Morocco and Russia

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of phosphate fertilizers from Morocco and Russia, provided for in subheadings 3103.11.00, 3103.19.00, 3103.90.00, 3105.10.00, 3105.20.00, 3105.30.00, 3105.40.00, 3105.51.00, 3105.59.00, 3105.60.00, and 3105.90.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be subsidized by the governments of Morocco and Russia.[2] [3]

Background

The Commission instituted these investigations effective June 26, 2020, following receipt of petitions filed with the Commission and Commerce by The Mosaic Company, Plymouth, Minnesota. The Commission scheduled the final phase of the investigations following notification of preliminary determinations by Commerce that imports of phosphate fertilizers from Morocco and Russia were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 8, 2020 (85 FR 79033). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on February 9, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to § 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determinations in these investigations on March 31, 2021. The views of the Commission are contained in USITC Publication 5172 (March 2021), entitled *Phosphate Fertilizers from Morocco and Russia: Investigation Nos. 701–TA–650–651 (Final).*

By order of the Commission.

Issued: March 31, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–06955 Filed 4–2–21; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 86 FR 9479 and 86 FR 9482 (February 16, 2021).

[3] Commissioner Johanson dissenting.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–810]

Importer of Controlled Substances Application: Royal Emerald Pharmaceuticals Research and Development DBA: Royal Emerald Pharmaceuticals

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Royal Emerald Pharmaceuticals Research and Development DBA: Royal Emerald Pharmaceuticals has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 5, 2021. Such persons may also file a written request for a hearing on the application on or before May 5, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 22, 2020, Royal Emerald Pharmaceuticals Research and Development DBA: Royal Emerald Pharmaceuticals, 14011 Palm Drive, Desert Hot Springs, California 92240, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import Marihuana seeds and immature Marihuana plants in the form of Active Pharmaceutical Ingredients (API) and botanical raw materials for DEA-approved legitimate scientific medical research and/or industrial purposes.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–06900 Filed 4–2–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact).

DATES: The Council will meet virtually due to Covid–19 from 1:00 p.m. (EDT) until 6:00 p.m. (EDT) on May 12, 2021.

ADDRESSES: Due to COVID–19 the meeting will be held virtually. The public will be permitted to provide comments and/or questions related to matters of the Council prior to the meeting, and participate in a listen-only mode upon prior registration. Please see details in the supplemental information.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mrs. Chasity S. Anderson, FBI Compact Officer, Biometric Technology Center, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone 304–625–2803.

SUPPLEMENTARY INFORMATION: Thus far, the Federal Government and 34 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment,

immigration and naturalization matters, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from state and federal agencies to serve on the Council. The Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index system for noncriminal justice purposes.

Matters for discussion are expected to include:

(1) Review of the Draft Federal Register Notice for the Colorado Proposal

(2) Review of the Draft Federal Notice for the Oklahoma Proposal

(3) Separation and Clarification of the Message Literals Associated with the NGI System's L0008 reject code

The meeting will be conducted virtually due to Covid–19. The public may participate in a listen-only mode with registration via email to *AGMU@leo.gov.* Individuals must provide their name, city, state, phone, and email address. Information regarding the phone access link will be provided prior to the meeting to all registered individuals.

Any member of the public wishing to file a written statement with the Council or wishing to address this session of the Council should notify the FBI Compact Officer, Mrs. Chasity S. Anderson at *compactoffice@fbi.gov,* at least 7 days prior to the start of the session. The notification should contain the individual's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed and the time needed for the presentation. Individuals will ordinarily be allowed up to 15 minutes to present a topic. The Compact Officer will compile all requests and submit to the Compact Council for consideration.

Individuals requiring special accommodations should contact Ms. Anderson at *compactoffice@fbi.gov* by no later than April 28, 2021.

Please note all personal registration information may be made publicly available through a Freedom of Information Act request.

Chasity S. Anderson,

FBI Compact Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2021–06907 Filed 4–2–21; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Privacy Act of 1974, System of Records

AGENCY: Veterans' Employment and Training Services (VETS).

ACTION: Notice of a modified system of records.

SUMMARY: The Veteran Data Exchange Initiative (VDEI) enables DOL to receive Transitioning Service Members' (TSM) data from Department of Defense (DOD) Defense Manpower Data Center (DMDC) and allows authorized agency users to access the data with the goal of program improvement through data analytics and providing veterans more targeted employment services. The system has been branded the VDEI.

DATES: This System of Records Notice (SORN) is effective upon its publication in today's **Federal Register** with the exception of the routine uses. The new routine uses will not be effective until May 5, 2021 pending public comment. Comments on the new routine uses or other aspects of the SORN must be submitted on or before May 5, 2021.

ADDRESSES: U.S. Department of Labor, VETS, Attn: Luke Murren, 202–693–4711, 200 Constitution Ave. NW, Suite S–1212, Washington, DC 20210, Email: *Murren.Luke@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be submitted to: U.S. Department of Labor, VETS, Attn: Luke Murren, 202–693–4711, 200 Constitution Ave. NW, Suite S–1212, Washington, DC 20210, Email: *Murren.Luke@dol.gov*.

SUPPLEMENTARY INFORMATION: The National Defense Authorization Act (NDAA) of 2019 was enacted on August 13, 2018. The NDAA helped shape Transition Assistance Program-related activities. The DOD is now required to provide individualized pre-separation counseling no later than 365 days before a service member's release from the service and the Act also required changes to the employment related courses provided by VETS. To meet new NDAA requirements, additional data fields were added to the DD–2648 separation form. The Department of Labor (DOL) wishes to receive pertinent data regarding employment-related outcomes that have been added to the separation form. Some of these additional data fields include: Military installation of separation; initial counseling and post-separation goal setting information; ''warm handover'' data regarding a non-career ready individual; and the commanding officer's transition signature and date. It is the intent through this SORN amendment that DOL will be able to collect this data for the purposes of: Ensuring that a warm handover is occurring when necessary; that the appropriate individuals within the American Job Center (AJC) network are being contacted; provide feedback to DOD if warm handovers are not occurring in certain geographic areas or installations; conduct analysis by individual military base; and identify personal goals to measure achievement of those goals. The specific data fields requested under this modification are: Warm Handover Type; Warm Handover Organization; Warm Handover Post-Transition Location; Warm Handover Address; Military Installation; Phone Number; Date Completed Initial Counseling; Post-Transition Goals; Completed Resume or Employment Verification; Completed an Individual Training Plan; and All Counseling Documents in Order; and Commander Signature Date.

SYSTEM NAME AND NUMBER:

SYSTEM NAME:

Veterans' Data Exchange Initiative (VDEI).

SYSTEM NUMBER:

DOL/VETS–5.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The VDEI servers are located at: DC1 Data Center, 21711 Filigree Ct., Ashburn, VA 20147.

SYSTEM MANAGER(S):

Robert Quarles, Director, Information Technology, US Department of Labor/Veterans' Employment and Training Service (VETS), 200 Constitution Ave. NW, Room S–1212, Washington, DC 20210, Work: (202) 693–4712.

MODIFICATION:

The CATEGORIES OF RECORDS IN THE SYSTEM was modified to add the additional data elements:

1. Medical Discharge
2. Commander's Signature Date
3. Warm Handover Type
4. Warm Handover Organization
5. Warm Handover Post-Transition Location
6. Warm Handover Address
7. Post Separation Phone Number
8. Military Installation
9. Date Completed Initial Counseling
10. Post Transition Goals

11. Completed Resume or Employment Verification

12. Completed an Individual Training Plan

13. Complete All Counseling Documents

HISTORY:

The **Federal Register** notice for VDEI is DOL VDEI–5.

Rachana Desai Martin,

Senior Agency Official for Privacy, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Administration and Management.

[FR Doc. 2021–06953 Filed 4–2–21; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO); Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of virtual open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at *ACVETEO@dol.gov.* Additional information regarding the Committee, including its charter, current membership list, annual reports, meeting minutes, and meeting updates may be found at *https://www.dol.gov/agencies/vets/about/advisorycommittee.* This notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Thursday, April 29, 2021 beginning at 9:00 a.m. and ending at approximately 12:00 p.m. (EDT).

ADDRESSES: This ACVETEO meeting will be held via WebEx video and teleconference. Meeting information will be posted at the link below under the Meeting Updates tab. *https://www.dol.gov/agencies/vets/about/advisorycommittee.*

Notice of Intent To Attend the Meeting: All meeting participants should submit a notice of intent to attend by Friday, April 16, 2021, via email to Mr. Gregory Green at *ACVETEO@dol.gov,* subject line ''April 2021 ACVETEO Meeting.''

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, April 16, 2021 by contacting Mr. Gregory Green at *ACVETEO@dol.gov.* Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, *ACVETEO@dol.gov,* (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans' Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m. Welcome and remarks, Sam Shellenberger, Deputy Assistant Secretary, Veterans' Employment and Training Service

9:10 a.m. Introduction of James Rodriguez, Principal Deputy Assistant Secretary, Veterans' Employment and Training Service

9:20 a.m. Administrative Business, Gregory Green, Designated Federal Official

9:25 a.m. BLS briefing on the 2020 Employment Situation of Veterans

10:25 a.m. Break

10:30 a.m. VETS Programs Update

11:00 a.m. Subcommittee Discussion/Assignments, Gregory Green, Designated Federal Official

11:30 a.m. Public Forum, Gregory Green, Designated Federal Official

12:00 p.m. Adjourn

Signed in Washington, DC, this 30th day of March 2021.

Joseph S. Shellenberger,

Deputy Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2021–06891 Filed 4–2–21; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's Committee on Strategy (CS), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Thursday, April 8, 2021.

PLACE: This meeting will be held by teleconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Committee Chair's Opening Remarks; discussion of NSF's 2022–2026 Strategic Plan.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–07077 Filed 4–1–21; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0063]

Environmental Assessments and Findings of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing this notice regarding the issuance of a Final Environmental Assessment (EA) and a Finding of No Significant Impact

(FONSI) for its review and approval of the initial decommissioning funding plan (DFP) submitted by independent spent fuel storage installation (ISFSI) licensees for the ISFSIs listed in the ''Discussion'' section of this document.

DATES: The EA and FONSI referenced in this document are available on April 5, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0063 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–2021–0063. 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 individuals 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: Christian Jacobs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6825, email: *Christian.Jacobs@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the initial DFP submitted by ISFSI licensees. The NRC staff has prepared a Final EA and FONSI determination for each of the initial ISFSI DFPs in accordance with the NRC regulations in Part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation requires each holder of, or applicant for, a license under 10 CFR part 72 to submit a DFP for the NRC's review and approval. The DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff will later publish its financial analyses of the DFP submittals which will be available for public inspection in ADAMS.

II. Discussion

The following table includes the plant name, docket number, licensee, and ADAMS Accession Number for the Final EA and FONSI determination for each of the individual ISFSIs. The table also includes the ADAMS Accession Numbers for other relevant documents, including the initial and updated DFP submittals. For further details with respect to these actions, see the NRC staff's Final EA and FONSI determinations which are available for public inspection in ADAMS and at *https://www.regulations.gov* under Docket ID NRC–2021–0063. For additional direction on accessing information related to this document, see the **ADDRESSES** section of this document.

FINDING OF NO SIGNIFICANT IMPACT

Facility: Callaway Plant, Unit 1	
Docket No	72–1045.
Licensee	Union Electric Co. (Ameren Missouri).
Proposed Action	The NRC's review and approval of Ameren Missouri's initial DFP submitted in accordance with 10 CFR 72.30(b).
Environmental Impact of Proposed Action	The NRC staff has determined that the proposed action, the review and approval of Ameren Missouri's initial DFP, submitted in accordance with 10 CFR 72.30(b), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial DFP will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Ameren Missouri's initial DFP. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Callaway Plant, Unit 1. Therefore, the NRC staff determined that approval of the initial DFP for the Callaway Plant, Unit 1, ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	Ameren Missouri, 2015. ISFSI DFP, dated August 17, 2015. ADAMS Accession No. ML15229A127. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648.

FINDING OF NO SIGNIFICANT IMPACT—Continued

	U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Callaway Plant Unit 1 ISFSI DFP, dated June 30, 2017. ADAMS Accession No. ML17180A020. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the Entergy Nuclear Operations, Inc's Initial DFP Submitted in Accordance with 10 CFR 72.30(b) for Callaway Plant, Unit 1, ISFSI, dated March 29, 2021. ADAMS Accession Package No. ML21056A066.
Facility: Fermi-2	
Docket No.	72–71.
Licensee	DTE Electric Company (DTE).
Proposed Action	The NRC's review and approval of DTE's initial DFP submitted in accordance with 10 CFR 72.30(b).
Environmental Impact of Proposed Action	The NRC staff has determined that the proposed action, the review and approval of DTE's initial DFP, submitted in accordance with 10 CFR 72.30(b), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial DFP will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of DTE's initial DFP. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Fermi-2. Therefore, the NRC staff determined that approval of the initial DFP for the Fermi-2 ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	DTE, 2014. Fermi 2 ISFSI Decommissioning Funding Plan, dated July 2, 2014. ADAMS Accession No. ML14183B584. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Fermi 2 ISFSI DFP, dated August 4, 2017. ADAMS Accession No. ML17209A112. Michigan Department of Environmental Quality, 2017. Response to request for comments, dated August 23, 2017. ADAMS Accession No. ML17277B330. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the DTE's Initial DFP Submitted in Accordance with 10 CFR 72.30(b) for Fermi 2 ISFSI, dated March 29, 2021. ADAMS Accession Package No. ML21056A138.

Dated: March 30, 2021.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–06898 Filed 4–2–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0080]

Information Collection: Tribal Participation in the Advance Notification Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed information collection. The information collection is entitled, ''Tribal Participation in the Advance Notification Program.''

DATES: Submit comments by June 4, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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–2019–0080. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail Comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0080 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–2019–0080. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0080 on this website.

• *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*. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession ML20080L789. The supporting statement is available in ADAMS under Accession No. ML19312A393.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov*.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2019–0080 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Tribal Participation in the Advance Notification Program.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Information would be requested: (1) Every five years, (2) after an Indian Tribe achieves Federal recognition, (3) when a transportation route is approved that is within an Indian Tribe's reservation or that crosses a reservation boundary, and (4) when there are changes. Information is requested from those Indian Tribes seeking to receive advance notifications. Some information is requested one time.

6. *Who will be required or asked to respond:* Federally recognized Indian Tribes. Only those federally recognized Indian Tribes with reservations and either receiving or seeking to receive the advance notifications would be asked to respond to the specific information request.

7. *The estimated number of annual responses:* 22 (7 reporting responses + 15 recordkeepers).

8. *The estimated number of annual respondents:* 15.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 34.5 (24.5 hours reporting + 10 hours recordkeeping).

10. *Abstract:* In order to receive notifications when certain shipments of nuclear waste or shipments of irradiated reactor fuel within or across the boundary of an Indian Tribe's reservation, Indian Tribes will submit certifications that Tribal official or their designee(s) has (or have) taken training on the handling of safeguards information (SGI) and the Indian Tribe has the necessary protection measures in place and the Indian Tribe will protect the SGI. If the Tribal official is designating another person to receive the advance notifications, information on the designation will be provided. The Indian Tribe will also provide the contact information for the Tribal official or the Tribal official's designee(s). The Indian Tribe will also provide an affirmation of the boundaries of the Indian Tribe's reservation or the necessary corrections to a map provided by the NRC. The NRC will also collect the name and contact information for the Indian Tribe's emergency response contact(s). The NRC makes this information to others, including NRC licensees and agreement state licensees. NRC licensees will use the information to comply with the NRC's regulations that require them to provide advance notice of certain shipments of radioactive material to participating Indian Tribes.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: March 31, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–06936 Filed 4–2–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2021–81; Order No. 5853]

Competitive Price Adjustment

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal

Service document with the Commission concerning changes in class of general applicability for competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 8, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction and Overview

On March 26, 2021, the Postal Service filed notice with the Commission concerning changes in class of general applicability for competitive products.[1] The Postal Service represents that, as required by 39 CFR 3035.104(b), the Notice includes an explanation and justification for the changes, the effective date, and certification of the vote. *See* Notice at 1. The changes are scheduled to take effect on May 23, 2021. *Id.*

Attached to the Notice is Governors' Decision No. 21–1, which states the classification changes are in accordance with 39 U.S.C. 3632 and 3633 and 39 CFR 3035.[2] The attachment to the Governors' Decision sets forth the classification changes and includes draft Mail Classification Schedule language for competitive products of general applicability.

In addition to the Governors' Decision, the Postal Service includes a **Federal Register** notice detailing the changes.

Planned Delivery Changes for Priority Mail Express. The Governors' Decision includes an overview of the Postal Service's planned classification change eliminating the 10:30 a.m. delivery option for the Priority Mail Express product and the associated fee for that option. Notice at 1; Governors' Decision No. 21–1 at 1.

II. Initial Administrative Actions

The Commission establishes Docket No. CP2021–81 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR part 3040 subparts B and E. Comments are due no later than April 8, 2021. For specific details of the planned classification changes, interested persons are encouraged to review the Notice, which is available on the Commission's website at *www.prc.gov.*

Pursuant to 39 U.S.C. 505, Stephanie A. Quick is appointed to serve as Public Representative to represent the interests of the general public in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2021–81 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR part 3040 subparts B and E.

2. Comments are due no later than April 8, 2021.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Stephanie A. Quick to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2021–06775 Filed 4–2–21; 8:45 am]

BILLING CODE 7710–FW–P

[1] USPS Notice of Changes in Class of General Applicability for a Competitive Product, March 26, 2021 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the classification.

[2] Notice, Decision of the Governors of the United States Postal Service on Changes in Class of General Applicability for Competitive Product (Governors' Decision No. 21–1), at 1 (Governors' Decision No. 21–1).

POSTAL REGULATORY COMMISSION

[Docket No. MC2021–78; Order No. 5856]

Transfer of Bound Print Matter Parcels

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service document with the Commission requesting that Bound Printed Matter Parcels be transferred to the Competitive Product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 7, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On March 26, 2021, the Postal Service filed a notice with the Commission pursuant to 39 U.S.C. 3642 and 39 CFR 3040.130 *et seq.,* requesting that Bound Printed Matter Parcels be transferred from the Market Dominant product list to the Competitive product list as Parcel Select Bound Printed Matter.[1] In support of its Request, the Postal Service filed the following documents:

- Attachment A—Resolution of the Governors of the United States Postal Service, August 8, 2019 (Resolution No. 19–8);
- Attachment B—Certification; and
- Attachment C—Draft Mail Classification Schedule (MCS) Language.

The Postal Service asserts that the new Parcel Select Bound Printed Matter product fulfills all of the criteria for competitive products under section 3642. *See* Request at 2–14. Specifically, the Postal Service states that mailers use Bound Printed Matter Parcels to ship inexpensive ''light- to moderate-weight packages containing books, catalogs, and similar printed matter'' for ground delivery as an alternative to more general-purpose ground shipping products offered by competitors. *See id.* at 6–7. The Postal Service notes that Bound Printed Matter Parcels also competes against hybrid products offered by resellers who enter the packages into the Postal Service's mailstream as Bound Printed Matter Parcels. *Id.* at 8. As evidence that it does not exercise monopoly power over Bound Printed Matter Parcels, the Postal

[1] United States Postal Service Request to Transfer Bound Printed Matter Parcels to the Competitive Product List, March 26, 2021 (Request).

Service identifies the fact that most of its Bound Printed Matter Parcels volume originates from logistics entities with their own origin-through-last-mile delivery networks, and that the remaining volume almost entirely originates from other logistics entities and a small number of large customers. *Id.* at 10–14. The Postal Service notes that all of these logistics entities and other large customers would be able to divert volume to their own networks or else possess substantial negotiating power when seeking alternatives to the Postal Service. *Id.* at 10–12.

In addition, the Postal Service states that the Private Express Statutes (PES) do not apply to the Bound Printed Matter Parcels product because the statutory definition of a ''letter'' explicitly excludes bound books, catalogs, and telephone directories that meet certain page requirements. *Id.* at 16. The Postal Service states that ''any incidental First-Class matter in [Bound Printed Matter Parcels] falls within the exception for cargo'' under the Commission's regulations. *Id.* at 17.

The Postal Service notes that Bound Printed Matter Parcels did not cover its attributable costs in 2020, but it seeks authority from the Commission as part of this transfer to set prices for Parcel Select Bound Printed Matter that would cover its attributable costs. *Id.* at 18. The Postal Service envisions setting prices for Parcel Select Bound Printed Matter in a competitive price adjustment following the transfer. Furthermore, the Postal Service asserts that after the addition of the Parcel Select Bound Printed Matter product, competitive products, as a whole, even in the absence of a price adjustment, will continue to contribute the necessary percentage towards total institutional costs. *Id.* at 18–19*; see* 39 U.S.C. 3633(a)(3), 39 CFR 3035.107.

The Postal Service also asserts that transferring Bound Printed Matter Parcels to the Competitive product list will address an arbitrary distinction between parcels containing bound, printed matter and parcels containing other goods. Request at 19.

II. Commission Action

The Commission establishes Docket No. MC2021–78 to consider the Postal Service's proposals described in its Request. Interested persons may submit comments on whether the Request is consistent with the policies of 39 U.S.C. 3632, 3633, and 3642 and 39 CFR 3040.130 *et seq.* Comments are due by May 7, 2021.

The Request and related filings are available on the Commission's website (*http://www.prc.gov*). The Commission encourages interested persons to review the Request for further details.

The Commission appoints Joseph K. Press to serve as Public Representative in this proceeding.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2021–78 for consideration of the matters raised by the United States Postal Service Request to Transfer Bound Printed Matter Parcels to the Competitive Product List, filed March 26, 2021.

2. Pursuant to 39 U.S.C. 505, Joseph K. Press is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons are due by May 7, 2021.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2021–06879 Filed 4–2–21; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, April 8, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: April 1, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–07065 Filed 4–1–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91439; File No. SR–ICC–2021–005]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Recovery Plan and the ICC Wind-Down Plan

March 30, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4,[2] notice is hereby given that on March 23, 2021, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission the proposed rule change described in Items I, II and III below, which Items have been prepared by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to update and formalize the ICC Recovery Plan and the ICC Wind-Down Plan (collectively, the ''Plans''). These revisions do not require any changes to the ICC Clearing Rules (the ''Rules'').

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC proposes to update and formalize the ICC Recovery Plan and the ICC Wind-Down Plan, which serve as plans for the recovery and orderly wind-down of ICC necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses, consistent with Rule 17ad–22(e)(3)(ii).[3] ICC proposes to update and formalize the Plans following Commission approval of the proposed rule change. The proposed rule change is described in detail as follows.

ICC Recovery Plan

Consistent with the regulations applicable to ICC, the proposed Recovery Plan is designed to establish ICC's actions to maintain its viability as a going concern to address any uncovered credit loss, liquidity shortfall, capital inadequacy, or business, operational or other structural weakness that threatens ICC's viability. The purpose of the document is to describe the actions that would be taken to (i) restore ICC to a stable and sustainable condition in the event that it came under severe stress and (ii) maintain effective arrangements for ensuring that losses that threaten ICC's viability as a going concern are allocated. The proposed Recovery Plan is divided into 14 sections, which are detailed below.

The proposed Recovery Plan provides necessary background and context regarding ICC for recovery planning. Section 1 serves as an introduction that summarizes key aspects of ICC's plan for recovery and explains the plan's purpose. The Recovery Plan builds on ICC's existing Rules and policies and procedures and describes the recovery tools available to ICC to continue to provide its sole critical operation, CDS clearing services. Section 2 provides an overview of ICC and the regulation to which it is subject, including key information regarding ICC's ownership structure and regulatory registrations and designations. Section 3 discusses the regulatory requirements applicable to the Recovery Plan, including regulatory guidance from the Commission that ICC considered in writing the plan and applicable regulatory obligations, such as those under Rule 17ad–22(e)(3)(ii).[4]

The proposed Recovery Plan provides fundamental information about ICC's organization and operation. Section 4 discusses the legal entities that are material to ICC for the Recovery Plan and the requirements for ICC's Clearing Participants (''CPs''), such as operational capacity, financial responsibility and capital requirements. Section 4 also sets forth the governance arrangements and committees that have a direct and indirect role in default management and recovery, including the roles and responsibilities of the Board, Risk Committee, and CDS Default Committee, among others. The CDS Default Committee is responsible for assisting ICC during the execution of certain default management and recovery procedures and convenes upon the declaration of default. Section 4 details key performance metrics in respect of the services that ICC provides and ICC's management of collateral, including the forms of collateral that ICC accepts to satisfy initial margin (''IM'') and guaranty fund (''GF'') requirements and the monitoring of collateral counterparties. Section 5 analyzes critical services that are necessary to continue daily operations of clearing services and are provided to ICC by Intercontinental Exchange, Inc. (''ICE'') or external third parties.

The proposed Recovery Plan details interconnections and interdependencies between ICC and other entities, including operational and financial interconnections, in Section 6. The Recovery Plan considers the interconnection between ICE and ICC and details IT systems and applications critical to ICC's clearing operations. The Recovery Plan describes how ICC monitors financial entities that have multiple roles and relationships with ICC. Section 6 further analyzes ICC's contractual arrangements in the context of continuing services during recovery.

The proposed Recovery Plan describes the potential stress scenarios that may prevent ICC from being able to meet obligations and provide services and the recovery tools available to ICC to address these stress scenarios. Section 7 categorizes such stress scenarios into (i) uncovered credit losses and/or liquidity shortfalls triggered by a CP or multiple CPs defaulting (''CP default stress scenario'') and (ii) stress triggered by general business risks, operational risks, or other risks that may threaten ICC's viability as a going concern, other than a CP default (''non-CP default stress scenario''). Section 7 discusses the monitoring mechanisms for both categories of scenarios and the process of notifying regulators of the initiation of the Recovery Plan. In Section 8, ICC defines the point at which recovery begins and ICC activates the Recovery Plan as well as who declares the activation of the Recovery Plan.

Section 8 describes the recovery tools available to ICC. The tools to address credit losses in a CP default stress scenario are set forth in ICC's Rules and procedures and would be summarized in the proposed Recovery Plan. Such tools include:

- Auctions to close out a defaulter's portfolio ((ICC Rule 20–605(d)(v) and (f)(ii)). To incentivize competitive bidding, contributions of non-defaulting CPs are subject to ''juniorization'' and applied using a defined default auction priority based on the competitiveness of their bids.[5]
- An insurance policy covering specified losses resulting from a CP default (''CP default insurance'') (ICC Rule 802).
- CPs' obligation to replenish their GF contribution to the required level in the event of any use of the GF contributions of non-defaulting CPs (ICC Rule 803(a)) and to make assessment contributions to the GF following a CP default and the consumption of the pre-funded GF (ICC Rule 803(b)), subject to a cap. If the cap is reached, CPs may be required to provide additional IM (ICC Rule 806(e)) to ensure that ICC maintains compliance with minimum regulatory financial resources requirements.
- Partial tear-up of remaining positions (ICC Rules 20–605(f)(iii) and 809) where ICC terminates positions of non-defaulting CPs that exactly offset those in the defaulter's remaining portfolio.
- Reduced gains distributions (''RGD'') (ICC Rule 808) for up to five consecutive business days, allowing ICC to reduce payment of variation, or mark-

[3] 17 CFR 240.17Ad–22(e)(3)(ii).

[4] *Id.*

[5] ICC's Default Auction Procedures—Initial Default Auctions and Secondary Auction Procedures are available at the following: *https://www.theice.com/publicdocs/ICC_Default_Auction_Procedures.pdf* and *https://www.theice.com/publicdocs/ICC_Secondary_Auction_Procedures.pdf.*

to-market, gains that would otherwise be owed to CPs, as ICC attempts a secondary auction or conducts a partial tear-up.

Section 8 also discusses the tools that are available to ICC to address a situation where ICC experiences liquidity shortfalls triggered by a default of one or more CPs and has insufficient liquid resources in the proper currency to meet payments obligations. These tools include entering into transactions to exchange certain sovereign debt securities for cash or to exchange U.S. dollar cash for Euro cash under one of ICC's committed repurchase or committed foreign exchange agreements, respectively.

Additionally, Section 8 discusses the tools that would be available to ICC in the event that ICC experiences severe stress triggered by a non-CP default stress scenario, including the application of resources from ICC (''Loss Resources'') and contributions from CPs (''Loss Contributions'') to address certain investment and custodial losses. ICC Rule 811 provides a mechanism for allocating investment losses and custodial losses as between ICC and CPs, with ICC being responsible for a first loss position up to the amount of defined resources and with CPs being responsible for the remaining loss, in proportion to and capped at their margin and GF contributions. Additional tools to address non-CP default stress scenarios include insurance coverage, seeking additional capital through the ICE group, renegotiating certain agreements, and reducing personnel and other expenses.

The proposed Recovery Plan further memorializes key information for the purposes of recovery planning. In Section 9, ICC proposes to describe the governance arrangements that provide oversight and direction in respect of the Recovery Plan, including design, implementation, testing, review, and on-going maintenance. Section 10 analyzes the financial resources maintained by ICC for recovery in compliance with relevant regulations, including the procedures to follow in case of any shortfall. This section also discusses the timing for implementing ICC's recovery tools and ICC's projected estimated recovery and wind-down costs. Section 11 provides financial information relevant to ICC and ICE. Section 12 sets forth key systems used by ICC to generate reports to monitor and support clearing operations. The appendices in Section 13 include a glossary, diagrams and charts of clearing processes and financial service providers, and analyses related to different stress scenarios and recovery tools. Section 14 holds an index of exhibits to the proposed Recovery Plan.

ICC Wind-Down Plan

The proposed Wind-Down Plan is designed to establish how ICC could be wound-down in an orderly manner. The proposed Wind-Down Plan would be used in the event that the recovery actions in the proposed Recovery Plan failed to preserve ICC's viability as a going concern (and therefore recovery was not possible) and resolution had not been triggered. The proposed Wind-Down Plan could also be used in the event that ICC made a business decision to exit all clearing activities. The document is divided into 12 sections, which are detailed below.

Similar to the proposed Recovery Plan, the proposed Wind-Down Plan provides necessary background and context regarding ICC for wind-down planning. Section 1 serves as an introduction that summarizes key aspects of the Wind-Down Plan and explains the plan's purpose. Section 2 provides an overview of ICC and the regulation to which it is subject. Section 3 describes the regulatory requirements applicable to the Wind-Down Plan, including regulatory guidance from the Commission that ICC considered in writing the plan and applicable regulatory obligations, such as those under Rule 17ad–22(e)(3)(ii).[6] Section 4 sets out ICC's CPs and the governance arrangements that are relevant to wind-down, including the roles and responsibilities of the Board and Risk Committee.

The proposed Wind-Down Plan describes the potential stress scenarios that may prevent ICC from being able to meet obligations and provide services, which may lead to wind-down. Section 5 categorizes the stress scenarios into (i) CP default stress scenarios and (ii) severe stress triggered by general business risks, operational risks, or other risks that may threaten ICC's viability as a going concern, other than a CP default (''non-CP default severe stress scenarios''). Section 5 also discusses the triggering events for wind-down, such as a critical reduction in market participation or a critical reduction in ICC's financial resources below regulatory capital requirements. With respect to a business decision to wind-down, the triggering event would be the Board's decision to exit the business.

The proposed Wind-Down Plan provides the framework for wind-down and detailed plans for each wind-down option. Section 6 examines ICC's wind-down options that consist of a transfer of CDS clearing activities from ICC to an alternative clearinghouse, the sale of ICC to another entity, or the termination of open positions. Under the plan, before a wind-down decision would be made by the Board, ICC would consult with market participants, potential alternative clearing houses, and regulators, among others. The specific situation giving rise to the wind-down, together with the results of the consultation, would inform the specific wind-down option and corresponding execution plan. The Board would consider and approve the execution plan prior to implementation. Section 6 also details the plans for executing each wind-down option, including the approach, timeline, potential impediments, and other considerations. For transfer to be a viable wind-down option, ICC would need to locate an appropriate alternative clearing house that was willing and able to accept the transferred positions. Wind-down through the sale option would most likely be applicable in a non-default stress scenario where the financial assets of ICC became constrained and the recovery tools failed to restore ICC's capital. Regarding termination, if CPs could not agree on an approach for liquidating/removing open cleared positions at ICC or did not fully voluntarily liquidate/remove their open positions by the deadline, the Board would tear-up any remaining open positions as permitted under ICC Rule 810. Under the proposed Wind-Down Plan, to the extent possible, the ability to continue providing centralized clearing of CDS with as little disruption as possible would be the primary determinant of feasibility for ICC's wind-down options. If continuation was not feasible, the primary determinant would be the ability to discontinue CDS clearing services in an orderly manner with minimum negative impact to the marketplace and stakeholders. Where the Board makes a business decision to wind-down, wind-down would be executed using one or more of the wind-down options listed above. Section 6 further discusses potential obstacles to an orderly wind-down.

The proposed Wind-Down Plan also provides fundamental information about ICC's organization and operation for the purposes of wind-down planning. Section 7 describes interconnections and interdependencies between ICC and other entities. Similar to the Recovery Plan, Section 7 discusses the legal entities that are material to ICC for the Wind-Down Plan, the critical services

[6] 17 CFR 240.17Ad–22(e)(3)(ii).

provided to ICC by ICE or external third parties, and ICC's operational and financial interconnections. This section considers the interconnection between ICE and ICC, identifies critical service providers, details IT systems and applications critical to ICC's clearing operations, and identifies financial entities that have multiple roles and relationships with ICC. Section 8 analyzes ICC's contractual arrangements in the context of continuing services during wind-down.

The proposed Wind-Down Plan further memorializes key information with respect to wind-down planning. Section 9 analyzes the financial resources maintained by ICC to support wind-down in compliance with relevant regulations, including the procedures to follow in case of any shortfall. This section also discusses the timing for executing the wind-down options and ICC's projected estimated recovery and wind-down costs. In Section 10, ICC proposes to set out the governance arrangements that provide oversight and direction in respect of the Wind-Down Plan, including design, implementation, testing, review, and on-going maintenance. The appendices in Section 11 contain a glossary, diagrams and charts of clearing processes and financial service providers, and analyses related to different stress scenarios. Section 12 holds an index of exhibits to the proposed Wind-Down Plan.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [7] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[8] In particular, Section 17A(b)(3)(F) of the Act [9] requires that the rule change be consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest. As discussed herein, the proposed rule change would enhance ICC's ability to effectuate a successful recovery by describing the actions that would be taken to restore ICC to a stable and sustainable condition in the event that it came under severe stress and maintain effective arrangements for ensuring that losses that threaten ICC's viability as a going concern are allocated in the Recovery Plan. The proposed rule change would further enhance ICC's ability to execute an orderly wind-down by establishing the actions that would be taken and the options that would be available to wind-down ICC in an orderly manner in the Wind-Down Plan. The proposed Plans would thus promote ICC's ability to continue providing clearing services with as little disruption as possible, and should continuation not be feasible, promote ICC's ability to discontinue clearing services in an orderly manner with minimum negative impact to the marketplace and stakeholders, thereby promoting the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest. Accordingly, in ICC's view, the proposed rule change is consistent with the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[10]

The proposed rule change would also satisfy the relevant requirements of Rule 17Ad–22.[11] Rule 17Ad–22(e)(2) [12] requires, in relevant part, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are (i) clear and transparent; (ii) clearly prioritize the safety and efficiency of the covered clearing agency; (iii) support the public interest requirements of Section 17A of the Act [13] applicable to clearing agencies, and the objectives of owners and participants; (v) specify clear and direct lines of responsibility; and (vi) consider the interests of participants' customers, securities issuers and holders, and other relevant stakeholders of the covered clearing agency. The proposed Plans clearly and transparently set forth the governance arrangements that are relevant to recovery and wind-down, including the roles and responsibilities of the Board, applicable committees, and management. The proposed Plans assign and document responsibility and accountability for key recovery and wind-down decisions, such as activating the Recovery Plan and deciding to wind-down the business, and require consultation or approval from relevant parties. The governance arrangements set out in the documents are designed to provide meaningful consultation with stakeholders regarding key recovery and wind-down actions to ensure consideration of the interests of relevant stakeholders. Such governance arrangements further promote the safety and efficiency of ICC and support the public interest requirements in Section 17A of the Act [14] applicable to clearing agencies, and the objectives of owners and participants, by describing the roles and responsibilities of the Board, committees, and management to ensure that such groups have the appropriate knowledge and integrity necessary to discharge their responsibilities and to clearly prioritize the safety and efficiency of ICC so that it continues to provide safe and sound central counterparty services in the context of recovery or wind-down. As such, ICC believes that the proposed rule change is consistent with the requirements of Rule 17Ad–22(e)(2).[15]

Rule 17Ad–22(e)(3)(ii) [16] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. As discussed above, the proposed Recovery Plan is designed to establish ICC's actions to maintain its viability as a going concern to address any uncovered credit loss, liquidity shortfall, capital inadequacy, or business, operational or other structural weakness that threatens ICC's viability. The proposed Wind-Down Plan is designed to establish how ICC could be wound-down in an orderly manner should its recovery efforts fail. The proposed Plans establish centralized sources of information on ICC's recovery and wind-down actions, which would promote ICC's ability to carry out a successful recovery or orderly wind-down and would also provide relevant information to

[7] 15 U.S.C. 78q–1.

[8] 17 CFR 240.17Ad–22.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] *Id.*

[11] 17 CFR 240.17Ad–22.

[12] 17 CFR 240.17Ad–22(e)(2).

[13] 15 U.S.C. 78q–1.

[14] *Id.*

[15] 17 CFR 240.17Ad–22(e)(2).

[16] 17 CFR 240.17Ad–22(e)(3)(ii).

authorities needed for the purposes of recovery and wind-down planning. The proposed Recovery Plan includes potential stress scenarios that may prevent ICC from being able to meet obligations and provide services and the recovery tools available to ICC to address such scenarios, which would promote ICC's ability to carry out a successful recovery. The proposed Wind-Down Plan also details potential stress scenarios and their triggering events and the plans for executing each wind-down option. Both Plans include analyses of ICC's contractual arrangements in the context of continuing services during recovery or wind-down. The proposed rule change would thus enhance ICC's recovery efforts and ICC's ability to carry out an orderly wind-down, including by documenting ICC's preparations for recovery and wind-down and by describing the actions that ICC may take to effect a successful recovery or orderly wind-down, consistent with the requirements of Rule 17Ad–22(e)(3)(ii).[17]

Rule 17Ad–22(e)(15) [18] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify monitor, and manage the covered clearing agency's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that the covered clearing agency can continue operations and services as a going concern if those losses materialize, including by (i) determining the amount of liquid net assets funded by equity based upon its general business risk profile and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken; (ii) holding liquid net assets funded by equity equal to the greater of either (x) six months of the covered clearing agency's current operating expenses, or (y) the amount determined by the Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of the covered clearing agency, as contemplated by the plans established under Rule 17ad–22(e)(3)(ii); and (iii) maintain a viable plan, approved by the Board and updated at least annually, for raising additional equity should its equity fall close to or below the amount required under Rule 17ad–22(e)(15)(ii). The proposed Plans analyze ICC's particular circumstances and risks to ensure that ICC maintains financial resources necessary to implement both Plans and that ICC remains in compliance with all regulatory capital requirements. The proposed Plans analyze the financial resources maintained by ICC for recovery and to support wind-down in compliance with relevant regulations and include procedures to follow in case of any shortfall. Moreover, the proposed Plans discuss ICC's timing for implementing the recovery tools and for executing the wind-down options as well as ICC's determination of the projected estimated recovery and wind-down costs. These documents, including the analyses and estimations contained therein, are further updated and subject to review and approval by the Board at least annually and ensure that ICC holds sufficient liquid net assets to achieve recovery or orderly wind-down. As such, ICC believes that the proposed rule change is consistent with the requirements of Rule 17Ad–22(e)(15).[19]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed rule change to update and formalize the Plans will apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change would impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–ICC–2021–005 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–ICC–2021–005. 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 filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation*. 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–ICC–2021–005 and should be submitted on or before April 26, 2021.

[17] *Id.*

[18] 17 CFR 240.17Ad–22(e)(15).

[19] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06884 Filed 4–2–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:30 p.m. on Thursday, April 1, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Matters related to litigation; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: April 1, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–07081 Filed 4–1–21; 4:15 pm]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91443; File No. SR–IEX–2021–05]

Self-Regulatory Organizations: Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Transaction Fees Pursuant to IEX Rule 15.110

March 30, 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 March 23, 2021, the Investors Exchange LLC (''IEX'' or the ''Exchange'') 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

Pursuant to the provisions of Section 19(b)(1) under the Act,[3] and Rule 19b–4 thereunder,[4] IEX is filing with the Commission a proposed rule change to amend its Fee Schedule, pursuant to IEX Rule 15.110(a) and (c) (the ''Fee Schedule''), to modify the fees applicable to executions of and with displayed orders for securities priced at or above $1.00 per share, and to make several related and conforming changes. Changes to the Fee Schedule pursuant to this proposal are effective upon filing,[5] and the Exchange plans to implement the changes on April 1, 2021.

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, 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 self-regulatory organization 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 self-regulatory organization 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 Fee Schedule, pursuant to IEX Rule 15.110(a) and (c), to modify the fees applicable to executions of and with displayable orders for securities priced at or above $1.00 per share, and to make several related and conforming changes. Specifically, the Exchange proposes not to charge Members [6] a fee for executions of orders that provide displayed liquidity, and proposes to charge a fee of $0.0006 per share for executions of orders that remove displayed liquidity, unless a lower fee applies.[7] In addition, the Exchange proposes to revise the existing internalization fee, [8] which currently provides that there is no fee for executions when the adding and removing order originated from the same Member, to apply the proposed fees for adding and removing displayed liquidity provided by the same Member, while continuing to offer free executions for adding and removing non-displayed liquidity provided by the same Member.

Currently, the Exchange charges a fee of $0.0003 per share for an execution at or above $1.00 that adds or removes displayed liquidity and charges a fee of $0.0009 per share for an execution at or above $1.00 that adds or removes non-displayed liquidity. However, pursuant to a pricing incentive adopted when the Exchange began to offer D-Limit orders,[9] a displayed or non-displayed D-Limit order [10] that provides liquidity and is executed at a price at or above $1.00 results in a free execution.

As proposed, all displayed orders that provide liquidity will execute free of charge, and all orders that remove displayed liquidity will be charged a fee of $0.0006 per share, with the exception that executions below $1.00 will continue to be assessed a fee of 0.30% of the total dollar value of the execution

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1).

[4] 17 CFR 240.19b–4.

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] *See* IEX Rule 1.160(s).

[7] For example, as discussed *infra,* if a Retail order removes displayed liquidity, the Retail order would not be charged a fee.

[8] The internalization fee code is applied to orders in which the Member executes against resting liquidity added by such Member.

[9] *See* Securities Exchange Act Release No. 89967 (September 23, 2020), 85 FR 63616 (October 8, 2020) (SR–IEX–2020–14).

[10] *See* IEX Rule 11.190(b)(7).

(unless otherwise eligible for a free execution in accordance with the IEX Fee Schedule). The proposed fee changes are designed to incentivize posting displayed liquidity on IEX in order to facilitate price discovery and price formation, which the Exchange believes benefits all Members and market participants.

Further, as proposed, all non-displayed orders that add or remove liquidity will now be charged a fee of $0.0009 per share, including D-Limit orders that add non-displayed liquidity, with the exception that executions below $1.00 will continue to be assessed a fee of 0.30% of the total dollar value of the execution (unless otherwise eligible for a free execution in accordance with the IEX Fee Schedule).[11] IEX believes that the pricing incentive for D-Limit orders that add liquidity is no longer necessary, and such orders will be subject to the fees applicable to orders that add displayed or non-displayed liquidity, as applicable. Accordingly, the Exchange also proposes to delete the provision in the Fee Schedule specifying that a D-Limit order priced at or above $1.00 that provides liquidity results in a free execution.

The Exchange also proposes to revise the application of the internalization fee such that it only results in free executions for transactions that add and remove resting non-displayed interest from the same Member. As noted above, currently, the internalization fee provides that there is no fee for executions when the adding and removing order originated from the same Member. With the change to the fee structure for executions of and with displayed liquidity, the Exchange determined that providing a free execution for orders that remove displayed liquidity is inconsistent with the proposed fee structure of charging $0.0006 for execution of such orders. Accordingly, as proposed, the internalization fee will provide a free execution only when a Member adds and removes resting non-displayed interest provided by that Member.

Additionally, the Exchange proposes to delete the definition of ''spread crossing eligible order'' which is obsolete and not relevant to fees charged by IEX. Previously, IEX had provided a discounted fee to a buy order that is executable at the NBO[12] or a sell order that is executable at the NBB[13] after accounting for the order's limit (if any), peg instruction (if any), market conditions, and all applicable rules and regulations.[14] That discount was eliminated in 2018 and the language in the Fee Schedule is no longer applicable.[15]

IEX is not proposing to make any changes to the fees applicable to the execution of Retail orders and Retail Liquidity Provider[16] orders, which will each continue to execute for free. The Commission, in approving IEX's Retail Price Improvement Program, acknowledged the value of exchanges' offering incentives to attract both retail investor orders and orders specifically designated to execute only with retail orders.[17]

To effectuate the proposed changes, the Exchange proposes conforming changes to the applicable Base Fee Codes, Additional Fee Codes, and Fee Code Combinations and Associated Fees tables in the Fee Schedule to reflect the proposed fee changes and to provide information to Members on the relevant charges, including indicating whether an execution added or removed liquidity, as well as to remove text related to the current fee structure for D-Limit orders. As specified below, the Exchange also proposes to consistently refer to all orders that add liquidity as such, rather than using the term ''provide'' or ''provided'' in some Fee Code descriptions.

Specifically, the following changes are proposed:[18]

- Add modifier M to Base Fee Codes I (which applies to non-displayed liquidity) and L (which applies to displayed liquidity) to indicate that an order added liquidity.
- Add modifier T to Base Fee Codes I and L to indicate that an order removed liquidity.
- Update the description of Base Fee Code I, which is currently referred to as a Standard Match Fee, to separately describe Base Fee Code MI as ''Add non-displayed liquidity'' and TI as ''Remove non-displayed liquidity.'' Both Base Fee Codes will be subject to a fee of $0.0009 per share, consistent with the current fees applicable to execution of such orders.
- Update the description of Base Fee Code L, which is currently referred to as a Reduced Match Fee, to separately describe Base Fee Code ML as ''Add displayed liquidity'' and TL as ''Remove displayed liquidity.'' Base Fee Code ML will be free (rather than the current fee of $0.0003 per share applicable to execution of such orders) and Base Fee Code TL will be subject to a fee of $0.0006 (rather than the current fee of $0.0003 per share applicable to execution of such orders).
- Relocate Base Fee Code X, which was previously included with Base Fee Code I as the Standard Match Fee, and describe it as ''Opening process for non-listed securities.'' No change is proposed to the current fee of $0.0009 per share executed.
- Amend the description of Additional Fee Code S (which applies to the internalization fee) to change the word ''provided'' to ''added'' and to update the Fee from ''FREE'' to instead read ''See Relevant Fee Code Combinations Below.'' This change reflects that removing displayed liquidity added by the same Member will no longer be a free execution, but instead be charged the standard $0.0006 fee for removing displayed liquidity.
- Conform references to Fee Codes I and L in the Fee Code Combinations and Associated Fees section of the Fee Schedule to the changes made to the Base Fee Codes to include Fee Code Combinations MI, ML, TI and TL.
- Delete Fee Code Combination IS, which applies when a Member executes against resting non-displayed liquidity provided by such Member, and replace with Fee Code Combinations MIS and TIS in order to indicate whether an order added or removed non-displayed liquidity. MIS will apply to an order in which a Member adds resting non-displayed liquidity that executes against the Member's removing interest. TIS will apply to an order that removes resting non-displayed liquidity added by such Member. Both Fee Code Combinations will continue to be free pursuant to the internalization fee.
- Delete Fee Code Combination LS, which applies when a Member executes against resting displayed liquidity provided by such Member, and replace with Fee Code Combinations MLS and TLS in order to indicate whether an order added or removed liquidity. MLS will apply when a Member adds resting displayed liquidity that executes against the Member's removing interest, specifying that execution of the order is free. This Fee Code Combination will be

[11] For example, as discussed in this filing, non-displayed orders that add or remove liquidity from the same Member will execute for free.

[12] *See* IEX Rule 1.160(u).

[13] *See* IEX Rule 1.160(u).

[14] *See* Securities Exchange Act Release No. 83147 (May 1, 2018), 83 FR 20118 (May 7, 2018) (SR–IEX–2018–09).

[15] *See* Securities Exchange Act Release No. 83820 (August 10, 2018), 83 FR 40800 (August 16, 2018) (SR–IEX–2018–17).

[16] *See* IEX Rule 11.190(b)(14).

[17] *See* Securities Exchange Act Release No. 86619 (August 9, 2019), 84 FR 41769, 41771 (August 15, 2019) (SR–IEX–2019–05).

[18] No fee changes are proposed for executions below $1.00, which will continue to be assessed a fee of 0.30% of the total dollar value of the execution (unless otherwise eligible for a free execution in accordance with the IEX Fee Schedule). *See* IEX Fee Schedule, *https://iextrading.com/trading/fees/*.

free because the order added displayed liquidity. Fee Code Combination TLS will apply when a Member removes resting displayed liquidity added by such Member. This Fee Code Combination will be subject to a fee of $0.0006 per share which applies when an order that removes resting displayed liquidity applies.

• Delete Fee Code Combination IR, which applies when a Retail order removes non-displayed liquidity, and replace with Fee Code Combination TIR to indicate that the order removed liquidity. The Fee Code Combination, as amended, will continue to be free.

• Delete Fee Code Combination IA, which applies when a Retail Liquidity Provider order adds non-displayed liquidity to a Retail order, and replace with MIA to indicate that the order added liquidity. The Fee Code Combination, as amended, will continue to be free.

• Delete Fee Code Combination LR, which applies when a Retail order removes displayed liquidity, and replace with Fee Code Combination TLR to indicate that the order removed liquidity. The Fee Code Combination, as amended, will continue to be free.

• Delete Fee Code Combination ISR, which applies when a Retail orders removes non-displayed liquidity provided by such Member, and replace with Fee Code Combination TISR to indicate that the order removed liquidity. In addition, the term ''provided'' in the existing definition will be replaced with the term ''added'' for consistency. The Fee Code Combination, as amended, will continue to be free.

• Delete Fee Code Combination ISA, which applies when a Retail Liquidity Provider order adds non-displayed liquidity to a Retail order provided by such Member, and replace with Fee Code Combination MISA to indicate that the order added liquidity. In addition, the term ''provided'' in the existing definition will be replaced with the term ''added'' for consistency. The Fee Code Combination, as amended, will continue to be free.

• Delete Fee Code Combination LSR, which applies when a Retail order removes displayed liquidity provided by such Member, and replace with Fee Code Combination TLSR to indicate that the order removed liquidity. In addition, the term ''provided'' in the existing definition will be replaced with the term ''added'' for consistency. The Fee Code Combination, as amended, will continue to be free.

Make a conforming change in the Transaction Fees section of the Fee Schedule to correct the reference to the ''Fee Codes and Associated Fees table'' by changing it to read ''Fee Code Combinations and Associated Fees table.''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(4) [20] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable fees among IEX Members and persons using its facilities. Additionally, IEX believes that the proposed changes to the Fee Schedule are consistent with the investor protection objectives of Section 6(b)(5) [21] of the Act, in particular, in that they are 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 facilitating transactions in securities; 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; and are not designed to permit unfair discrimination between customers, brokers, or dealers.

The Exchange believes that the proposed changes are reasonable, fair and equitable, non-discriminatory, and consistent with the Act. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. Within that context, providing free executions to displayed orders that add liquidity is designed to incentivize Members and other market participants to enter displayed orders on IEX by providing a pricing incentive for such orders without offering rebates, thereby contributing to price discovery and price formation, which is consistent with the overall goal of enhancing market quality. The Exchange currently offers free executions to displayed D-Limit orders that add liquidity and does not believe that offering this pricing incentive to additional displayed orders represents a significant departure from pricing currently offered by the Exchange.

The Exchange also believes that it is reasonable to increase the fee applicable to an order that removes displayed liquidity from $0.0003 per share to $0.0006 per share, which will continue to be lower than the maximum fee permitted by Regulation NMS,[22] and to bifurcate the fees applicable to executions of resting displayed liquidity. Other exchanges use ''maker-taker'' or ''taker-maker'' fee structures that apply different fees to orders that add versus remove liquidity, generally providing a rebate rather than charging a fee to adding or removing orders. In a ''maker-taker'' model an exchange will typically pay a rebate for an order that adds liquidity and charge a fee for an order that removes liquidity. The Exchange is not proposing to pay a rebate, but rather to not charge a fee to an order that adds liquidity and charge a modest fee to an order that removes liquidity. This approach is designed to reallocate in a revenue neutral manner the current fee structure where both the adder and remover are charged $0.0003 per share for executions involving displayed orders in order to incentivize displayed liquidity. As proposed the fee to remove displayed liquidity will be lower than the fee to add or remove non-displayed liquidity and is within the range (and in many cases much less than) the fees charged by competing exchanges to remove displayed or non-displayed liquidity.[23] Consequently, IEX does not believe that the proposed fee structure for adding and removing displayed liquidity raises any new or novel issues that the Commission has not already considered in the context of other exchanges' fees. The Exchange believes that this fee structure will attract and incentivize displayed order flow as well as order flow seeking to trade with displayed order flow.

The Exchange further believes that the proposed fee change is consistent with the Act's requirement that the Exchange provide for an equitable allocation of fees that is also not unfairly discriminatory. As proposed, the fees for adding and removing displayed liquidity will apply in an equal and

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(4).

[21] 15 U.S.C. 78f(b)(5).

[22] *See* Regulation NMS Rule 611(c). 17 CFR 242.610(c) (for quotations of $1.00 or more, ''the fee or fees cannot exceed or accumulate to more than $0.003 per share'').

[23] *See* Cboe BZX Fee Schedule (charging $0.0030 per share for any liquidity removing transactions), available at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/;* MIAX Pearl Equities Free Schedule (charging $0.0030 per share for any liquidity removing executions), available at *https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_PEARL_Equities_Fee_Schedule_01292021.pdf;* MEMX Fee Schedule (charging $0.0026 per share for any liquidity removing executions), available at *https://info.memxtrading.com/fee-schedule/;* Nasdaq Equity 7 Section 118(a) (charging $0.0030 per share for any liquidity removing executions), available at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/nasdaq-equity-7;* NYSE Fee Schedule (charging $0.00275 per share for any liquidity removing executions), available at *https://www.nyse.com/markets/nyse/trading-info/fees.*

nondiscriminatory manner to all Members. All Members are eligible to enter displayed orders and orders to remove displayed orders. Moreover, to the extent the proposed change is successful in incentivizing the entry and execution of displayed orders on IEX, such greater liquidity will benefit all market participants by increasing price discovery and price formation as well as market quality and execution opportunities.

The Exchange also believes that it is reasonable to revise the internalization fee to apply only to executions of non-displayed orders and to refer Members to the relevant Fee Code Combinations for specific details on fees for such orders. As discussed in the Purpose section, with the change to the fee structure for executions of and with displayed liquidity, the Exchange determined that the internalization fee incentive is not necessary for executions of displayed orders (which by definition are adding orders that receive a free execution). Furthermore, as discussed in the Purpose section, providing a free execution for orders that remove displayed liquidity is inconsistent with the proposed fee structure of charging $0.0006 for all orders that remove displayed liquidity. The Exchange further believes that this approach is equitable and not unfairly discriminatory because it will apply to all Members in the same manner. The internalization fee was adopted when IEX launched as a national securities exchange [24] and was designed to incentivize Members (and their customers) to send orders to IEX that may otherwise be internalized off exchange with the overall goals of, among other things, enhancing order interaction on the Exchange with the resultant benefit of exchange transparency, regulation, and oversight.[25] The Exchange continues to believe that these important goals are served by offering free non-displayed executions for orders subject to the internalization fee, as well as allowing displayed adding orders subject to the internalization fee to execute for free. Charging the displayed liquidity removing fee to orders subject to the internalization fee is reasonable because the proposed pricing structure for execution of displayed liquidity is designed to incentivize the adding of displayed liquidity, thereby facilitating price discovery and price formation, which will inure to the benefit of any market participants seeking to interact with IEX's displayed liquidity, and the fee to access such liquidity will still remain well below the rate charged by many other competing exchanges.

Furthermore, the Exchange believes it is reasonable to charge non-displayed liquidity adding D-Limit orders the standard $0.0009 fee for non-displayed executions. As discussed in the Purpose section, IEX believes that the pricing incentive for D-Limit orders that add liquidity is no longer necessary, and such orders should be subject to the fees applicable to orders that add displayed or non-displayed liquidity, as applicable, and consistent with the goal of incentivizing displayed liquidity on IEX. The Exchange also believes that this approach is equitable and not unfairly discriminatory because it will apply to all Members in the same manner, and all Members are eligible to enter displayed and non-displayed orders.

In addition, the Exchange believes that it is reasonable to revise the applicable Base Fee Codes, Additional Fee Codes, and Fee Code Combinations and Associated Fees to reflect the proposed fee changes and to provide information to Members on the relevant charges, including indicating whether an execution was to add or remove liquidity, as well as to remove the text related to the current fee structure for D-Limit orders. The revisions are designed to reflect the fee changes, and also to provide enhanced clarity to the applicable Base Fee Codes, Additional Fee Codes, and Fee Code Combinations and Associated Fees with respect to whether an execution was to add or remove liquidity. Based on informal feedback from Members, the Exchange understands that this information would be useful to them in reviewing trading activity on IEX. Other exchanges provide similar information,[26] so the Exchange does not believe that adding such information raises any new or novel issues not already considered by the Commission. Accordingly, the Exchange believes that it is reasonable to revise the Base Fee Codes, Additional Fee Codes, and Fee Code Combinations as proposed in order to reflect the applicable fees and add additional relevant information.

Further, the Exchange believes that it is reasonable to make a conforming change to delete the provision in the Fee Schedule specifying that a D-Limit order priced at or above $1.00 that provides liquidity results in a free execution. As discussed in the Purpose section, this language is no longer accurate because non-displayed liquidity adding D-Limit orders will now be charged the standard fee for non-displayed liquidity adding orders, and deletion will avoid any unnecessary confusion as to the applicable fees.

Finally, the Exchange believes it is reasonable to delete the definition of ''spread crossing eligible order'' which is no longer relevant to fees charged by IEX, as described in the Purpose section, in order to avoid any unnecessary confusion regarding whether any fees are impacted by whether an order is a ''spread crossing eligible order.''

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed fees will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can easily direct their orders to competing venues, including off-exchange venues, if its fees are viewed as non-competitive. Moreover, IEX believes that the proposed fees are designed to enhance competition by increasing the Exchange's pool of displayed liquidity, and to the extent that displayed liquidity increases, would contribute to the public price discovery process. Further, subject to the SEC rule filing process, other exchanges could adopt a similar order type and fee incentive.

The Exchange also 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. While Members that add liquidity using displayed orders will be subject to different fees based on this usage, those differences are not based on the type of Member entering orders but on whether the Member chose to submit displayed liquidity providing orders. As noted above, not only can any Member submit displayed liquidity adding orders, but every Member would benefit from the availability of more liquidity on the Exchange that the proposed fees are designed to incentivize. The related and conforming changes are designed, as discussed in the Purpose and Statutory Basis sections, to provide additional

[24] *See* Securities Exchange Act Release No. 78550 (August 11, 2016), 81 FR 54873 (August 17, 2016) (SR–IEX–2016–09).

[25] *See supra* note 24 at 54875.

[26] *See, e.g.,* Securities Exchange Act Release No. 90076 (October 2, 2020), 85 FR 63620, 63621 (October 8, 2020) (SR–MEMX–2020–10) (describing how the exchange provides ''distinct Fee Codes on execution reports provided to Members.'')

clarity and remove superfluous provisions. Accordingly, the Exchange does not believe that these changes will have any impact on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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)(ii) [27] of the Act.

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 shall institute proceedings under Section 19(b)(2)(B) [28] of the Act 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 No. SR–IEX–2021–05 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–IEX–2021–05. 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 No. SR–IEX–2021–05, and should be submitted on or before April 26, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06886 Filed 4–2–21; 8:45 am]

BILLING CODE 8011–01–P

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91442; File No. SR–NYSE–2020–105]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Revise Rules 46 and 46A and Other Related Rules To Permit the Appointment of Trading Officials

March 30, 2021.

I. Introduction

On December 15, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') 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 NYSE Rules 46 and 46A, and other related rules, to permit the appointment of Trading Officials.

The proposed rule change was published for comment in the **Federal Register** on December 30, 2020.[3] On February 9, 2021, 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 approve or disapprove the proposed rule change until March 30, 2021.[4] On March 25, 2021, the Exchange submitted Amendment No. 1 to the proposed rule change.[5] The Commission has received no comments on the proposed rule change.

The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and is instituting proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes revisions to Rules 46 and 46A to permit the appointment of Trading Officials and to make conforming changes to certain Exchange rules related to Floor Official duties and responsibilities. This Amendment No. 1 to SR–NYSE–2020–105 replaces and supersedes the original filing in its entirety. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

III. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes revisions to Rules 46 and 46A to permit the appointment of Trading Officials and to make conforming changes to certain Exchange rules related to Floor Official duties and responsibilities. This Amendment No. 1 to SR–NYSE–2020–

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90776 (Dec. 22, 2020), 85 FR 86625 (Dec. 30, 2020) (''Notice'').

[4] *See* Securities Exchange Act Release No. 91084 (Feb. 9, 2021), 86 FR 9545 (Feb. 16, 2021).

[5] *See https://www.sec.gov/comments/sr-nyse-2020-105/srnyse2020105-8545367-230641.pdf.*

[6] 15 U.S.C. 78s(b)(2)(B).

105 replaces and supersedes the original filing in its entirety. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

IV. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes revisions to Rules 46 and 46A to permit the appointment of Trading Officials and to make conforming changes to certain Exchange rules related to Floor Official duties and responsibilities.

Background

Rule 46 (Floor Officials—Appointment) and Rule 46A (Executive Floor Governors) currently set forth the process for the Exchange to appoint active NYSE members [7] as Floor Officials. In addition, Rule 46 permits the Exchange to appoint qualified ICE employees to as act as Floor Governors, a more senior type of Floor Official.[8]

The role of the Floor Official evolved out of the self-regulatory scheme of the Securities Exchange Act of 1934, as amended (the ''Act'').[9] Floor Officials are delegated authority from the Exchange's Board of Directors (the ''Board'') to supervise and regulate active openings and unusual situations that arise in connection with the making of bids, offers or transactions on the Trading Floor,[10] and to review and approve certain trading actions. A number of Exchange Rules specify involvement in the marketplace by Floor Officials, senior-level Floor Officials (*i.e.,* Floor Governors, Executive Floor Officials, Senior Floor Officials and Executive Floor Governors), or both.

Exchange members appointed as Floor Officials serve in a volunteer capacity in addition to their regular obligations as either brokers or Designated Market Makers (''DMM''). In 2008, the Exchange amended Rule 46 to permit qualified ICE employees to be appointed as Floor Governors (''Staff Governors'').[11] Staff Governors are not regulatory employees and do not report to the Chief Regulatory Officer (''CRO''). In fact, under Rule 46.10, regulatory employees are ineligible to be appointed as Staff Governors.[12] In light of this, and the Staff Governors' role in supervising trading operations of the Exchange, Staff Governors appointed by the Board pursuant to Rule 46 report to the Head of Equities or that person's designee.

At the same time, as a result of the evolution of the equities markets away from manual executions and manual enforcement of rules toward an electronic market that automates executions and in many cases hard codes the rule requirements into the execution logic, many of the trading procedures and situations originally requiring Floor Official involvement have been automated; in other cases, Floor Official approval has become *pro forma* rather than substantive.[13] More recently, the Exchange introduced Regulatory Trading Officials (''RTOs'') to perform the functions performed by Floor Officials regarding whether a bid or offer is eligible for inclusion in the Closing Auction by the DMM.[14] As described below, the Exchange has now determined to delegate the remaining duties and responsibilities of Floor Officials to the proposed Trading Officials.

Proposed Rule Change

The Exchange proposes to eliminate member and non-member employee Floor Officials and transition the duties and responsibilities of Floor Officials to newly created Trading Officials, who would be Exchange employees appointed by the NYSE CEO or his or her designee. The Exchange anticipates that the current Staff Governors, who are not regulatory employees and report to the Head of Equities, would be appointed as Trading Officials and would retain the same reporting structure. The Exchange believes that retaining the Staff Governors' current reporting structure when they are appointed Trading Officials is appropriate given that Trading Officials will continue to have the same role in supervising trading on the Exchange and that, as proposed, Trading Officials will not have any regulatory role or responsibility. As discussed below, Trading Officials will not be involved in determinations to reallocate securities under Rules 103.10 and 103B(G).

As proposed, Trading Officials would be the only persons authorized to perform the delegated functions under the Exchange rules on the Floor that member Floor Officials and Staff Governors currently perform. The various seniority-based gradations of Floor Official (Floor Officials, Senior Floor Officials, Executive Floor Officials, Floor Governors and Executive Floor Governors) also would be eliminated. As a practical matter, the current Staff Governors would become the new Trading Officials. Active Exchange members would not be eligible for appointment as Trading Officials.

Under current Rules 46 and 46A, Floor Officials are appointed by the Board and re-appointed annually. Floor Officials must also complete a mandatory education program and pass a qualifications exam. These requirements were developed for

[7] Rule 2(a) states that the term ''member,'' when referring to a natural person, means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the Exchange Trading Floor or any facility thereof. *See also* note 7, *infra.*

[8] The title ''Floor Official'' includes a broad category of titles that include, in order of increasing seniority, Floor Officials, Senior Floor Officials, Executive Floor Officials, Floor Governors and Executive Floor Governors. *See* Rules 46 and 46A (defining Floor Official, Floor Governor, Executive Floor Official, Senior Floor Official and Executive Floor Governors).

[9] *See* 15 U.S.C. 78f.

[10] The term ''Trading Floor'' is defined in Rule 6A to mean the restricted-access physical areas designated by the Exchange for the trading of securities, commonly known as the ''Main Room'' and the ''Buttonwood Room.''

[11] *See* Securities Exchange Act Release No. 57627 (April 4, 2008), 73 FR 19919 (April 11, 2008) (SR–NYSE–2008–19) (''Release No. 57627'').

[12] The prohibition was designed to avoid potential conflicts of interest insofar as the process for qualifying Floor Officials, including Floor Governors, was performed by regulatory employees. *See* Securities Exchange Act Release No. 34–57627 (April 4, 2008), 73 FR 19919 (April 11, 2008) (SR–NYSE–2007–2).

[13] *See, e.g.,* Securities Exchange Act Release No. 75695 (August 13, 2015), 80 FR 50365 (August 19, 2015) (SR–NYSE–2015–33) (deletion of Rule 79A.20 requiring prior Floor Official approval for certain DMM dealer trades more than one or two dollars away from the last sale as moot).

[14] *See* Securities Exchange Act Release No. 88765 (April 29, 2020), 85 FR 26771 (May 5, 2020) (SR–NYSE–2020–03). The Exchange has filed a separate proposed rule change to make permanent that Floor Broker Interest would not be eligible to participate in the Closing Auction and in that filing, has also proposed to delete Rule 46B because RTOs would no longer have a role under Exchange rules. *See* Securities Exchange Act Release No. 90495 (November 24, 2020), 85 FR 77304 (December 1, 2020) (SR–NYSE–2020–95) (Notice) (''NYSE Close Proposal'').

member Floor Officials, and the Exchange does not propose to retain them for Trading Officials. Like the current Staff Governors, Exchange staff would be appointed as Trading Officials based on experience and necessary business and rule knowledge that would enable them to participate in and supervise various trading situations on the Floor. Once appointed, Trading Officials would be trained and supervised by the Exchange in the same manner as the current Staff Governors.

In order to effectuate the proposed changes, the Exchange proposes to delete current Rules 46 and 46A in their entirety and define a Trading Official in new Rule 46 as an Exchange staff person designated by the CEO of the Exchange or his or her designee to perform those functions specified in Exchange rules.

In addition, the Exchange proposes certain technical and conforming changes to replace references to Floor Officials, Senior Floor Officials, Executive Floor Officials, Floor Governors and/or Executive Floor Governors with Trading Official in the following rules:

- Rule 7.35A (DMM-Facilitated Core Open and Trading Halt Auctions) sets forth the responsibility of DMMs to ensure that registered securities open as close to the beginning of Core Trading Hours as possible or reopen at the end of the halt or pause.
  - Subsection (a)(4) provides for Floor Official participation in the opening and reopening process to provide an impartial professional assessment of unusual situations, as well as to provide guidance with respect to pricing when a significant disparity in supply and demand exists. The rule also contemplates DMMs consultations with Floor Officials under certain specific circumstances. References to Floor Official in Rule 7.35A(a)(4) and (a)(5) would be replaced with Trading Official.
  - Rule 7.35A(d) governs pre-opening indications. Subsection (d)(4) describes the procedures for publishing pre-opening indications and specifies when publication of a pre-opening indication requires supervision and approval of a Floor Governor. References to Floor Governor in Rule 7.35A(d)(4)(A) and (F)(i) would be replaced with Trading Official.
- Rule 7.35B (DMM-Facilitated Closing Auctions) describes the responsibility of each DMM to ensure that registered securities close as soon after the end of Core Trading Hours as possible.
  - Rule 7.35B(a)(1)(C) provides that electronically-entered Floor Broker Interest cannot be reduced in size or replaced except that DMMs can accept a full cancellation of electronically-entered Floor Broker Interest to correct a Legitimate Error subject to Floor Official approval. Floor Official would be replaced with Trading Official in Rule 7.35B(a)(1).[15]
  - Rule 7.35B(d) governs closing imbalances. Subsection (d)(1)(A) describes the circumstances when a DMM may disseminate a Regulatory Closing Imbalance with prior Floor Official approval. Subsection (d)(2) provides that DMMs may disseminate a Manual Closing Imbalance only with prior Floor Official approval beginning one hour before the scheduled end of Core Trading Hours up to the Closing Auction Imbalance Freeze Time. In both subsections, references to Floor Official would be replaced with Trading Official.
  - Rule 7.35B(j) governs temporary rule suspensions. Subsection (j)(3) provides that a determination to declare a temporary suspension as well as any entry or cancellation of orders or closing of a security under subsection (j)(2) must be supervised and approved by an Executive Floor Governor and supervised by an Exchange Officer. The Exchange proposes that supervision and approval of these determinations must be supervised and approved by a Trading Official.
- Rule 18(d) (Compensation in Relation to Exchange System Failure) sets forth the process for member organizations to seek reimbursement for losses resulting from system failures. Subsection (d) establishes a Compensation Review Panel consisting of three Floor Governors and three Exchange employees to determine the eligibility of a claim for payment. Since the proposed elimination of Floor Governors would leave Exchange employees as the sole members of the Compensation Review Panel, the Exchange proposes to eliminate the Compensation Review Panel. The proposed rule would accordingly provide that the Exchange will perform will review claims submitted pursuant to the rule and determine eligibility of a claim for payment.
- Rule 37 (Visitors) provides that visitors shall not be admitted to the Floor except by permission of Exchange officer, a Senior Floor Official, Executive Floor Official, a Floor Governor, or an Executive Floor Governor. The Exchange proposes that admission of visitors to the Floor be by permission of the Exchange.
- As noted, the text of Rules 46 and 46A would be deleted. The heading of Rule 46 would be changed to ''Trading Officials.''
- Under current Rule 47 (Floor Officials—Unusual Situations), Floor Officials have the power to supervise and regulate active openings and unusual situations that may arise in connection with the making of bids, offers or transactions on the Floor. References to Floor Official would be changed to Trading Officials and the heading would be changed to ''Unusual Situations on the Floor.'' Current Rule 49 would become new Rule 48.
- Rule 75 (Disputes as to Bids and Offers) mandates that disputes arising on bids or offers that are not settled by agreement between the interested members shall be settled by a Floor Official. The Exchange proposes that disputes arising on bids or offers be settled by a Trading Official and would amend the rule text and Supplementary Material .10 accordingly. The rule currently provides that, if both parties to a dispute involving either a monetary difference of $10,000 or more or a questioned trade, the matter may be referred for resolution to a panel of three Floor Governors, Senior Floor Officials, or Executive Floor Officials, or any combination thereof (''3 Floor Official Panel''), whose decision shall be binding on the parties. As an alternative to the 3 Floor Official Panel, members may proceed to resolve a dispute through long-standing arbitration procedures established under the Exchange's rules. The Exchange proposes to eliminate the 3 Floor Official Panel. Disputes involving either a monetary difference of $10,000 or more or a questioned trade would thus be resolved exclusively through arbitration.

Rule 75 codifies a form of expedited arbitration to timely resolve disputes between Floor-based members regarding verbal bids and offers. The Exchange believes that having a Trading Official initially resolve certain types of minor Floor disputes would continue to efficiently resolve those disputes. However, the Exchange does not believe that a panel of Exchange employees should be providing binding decisions in significant disputes between members (*i.e.,* where the dispute involves a monetary difference of $10,000 or more or a questioned trade), which would put the Exchange in the position of adjudicating significant competing claims among members. Rule 75 contemplates a process for members to resolve disputes, and especially significant disputes, amongst themselves, not for Exchange employees

[15] The Exchange has separately proposed to delete Rule 7.35B(a)(1)(C). *See id.*

to arbitrate those disputes on the Trading Floor. For these reasons, the Exchange proposes that matters involving a dispute involving either a monetary difference of $10,000 or more or a questioned trade proceed to arbitration.

• Rule 91.50 (Taking or Supplying Securities Named in Order) provides that if there is a continued pattern of rejection of a DMM's principal transactions, a Floor Official may be called upon and require the broker to review his actions. Floor Official would be changed to Trading Official in Rule 91.50.

• Rule 93(b) (Trading for Joint Account) provides that no member while on the Floor shall initiate the purchase or sale on the Exchange of a stock for any account in which the member, the member's member organization or any other member or allied member therein is directly or indirectly interested with any person other than such member organization or any other member or allied member therein, without the prior approval of a Floor Official. The reference to Floor Official would be changed to Trading Official.

• Rule 103.10 (Registration and Capital Requirements of DMMs and DMM Units) governs the temporary reallocation of securities and provides that the CRO or his or her designee and two non-DMM Executive Floor Governors or, if only one or no non-DMM Executive Floor Governors is present on the Floor, the most senior non-DMM Floor Governor or Governors based on length of consecutive service as a Floor Governor at the time of any action covered by this rule, acting by a majority, shall have the power to reallocate temporarily any security on an emergency basis whenever such reallocation would be in the public interest. The Exchange proposes that only the CRO or his or her designee would have the power to reallocate temporarily any security on an emergency basis. The rule reflects the current process whereby determinations to temporarily reallocate securities in the public interest are determined by the CRO and the most senior and experienced members of the Floor community. In the absence of such senior Floor member representatives, the Exchange believes that determinations involving the public interest should be made exclusively by the CRO. Given that reallocating securities in the public interest largely raise regulatory concerns, the Exchange believes that such determinations are best left to regulatory staff without the involvement of Trading Officials.

• Rule 103A (Member Education) provides for the Exchange to develop procedures and standards for qualification and performance of members active on the Floor of the Exchange. The rule currently exempts Executive Floor Governors from the requirement to complete educational modules, which the Exchange proposes to eliminate. The Exchange also proposes the non-substantive change of deleting the superfluous ''(I)'' at the beginning of the rule.

• Rule 103B(G) (Security Allocation and Reallocation) describes the allocation freeze policy and provides that, following allocation probation, a second six month period will begin during which a DMM unit may apply for new listings, provided that the unit demonstrates relevant efforts taken to resolve the circumstances that triggered the allocation prohibition. Currently, the determination as to whether a unit may apply for new listings is made by Exchange regulatory staff in consultation with the Executive Floor Governors, the most senior and experienced Floor Officials. The Exchange proposes that regulatory staff continue to make these determinations under the rule in the absence of Executive Floor Governors. The Exchange is not proposing that Regulatory staff consult with Trading Officials because Regulatory staff do not need the input or involvement of business side staff to make these determinations.

• Rule 104 (Dealings and Responsibilities of DMMs) governs dealings and responsibilities of DMMs. Subsection (i) provides for temporary DMMs and permits a Floor Governor to authorize a member of the Exchange who is not registered as a DMM in such stock or stocks, to act as a temporary DMM under specific circumstances. The Exchange proposes that Trading Officials would perform this function under the amended rule.

• Rule 112(a)(i) (Orders initiated ''Off the Floor'') provides that all orders in stocks for the account of a member organization or any member, principal executive, approved person, officer, or employee of such organization or a discretionary account serviced by the member or member organization must be sent to the Floor through a clearing firm's order room or other facilities regularly used for transmission of public customers' orders to the Floor, except for orders, among others, when a Floor Official expressly invites a member or members to participate in a difficult market situation. The Exchange would replace Trading Official for Floor Official in Rule 112(a)(i).

• Rule 124(e) (Midday Auction) provides that, when there is a significant imbalance in a Midday Auction Stock at the end of the Midday Auction Pause, the Midday Auction Pause may be converted to an order imbalance halt with the approval of a Floor Governor or two Floor Officials. The Exchange proposes that the approval would be given by a Trading Official.

• Rule 128B (Publication of Changes, Corrections, Cancellations or Omissions and Verification of Transactions) governs changes and corrections to the Consolidated Tape.

○ Rule 128B.10 (Publication on the tape or in the ''sales sheet'') provides that publication of a change or a correction in a transaction which previously appeared on the tape may be made on the tape on the day of the transaction provided that both buying and selling members or member organizations agree to the change in the transaction(s) and receive approval from a Floor Governor, Executive Floor Official, Senior Floor Official or Executive Floor Governor. In the event such publication is not made on the tape on the day of the transaction, it may be published on the tape at least ten minutes prior to the opening of business on the following business day or in the sales sheet within three business days of the transaction with the approval of both the buying and selling members and a Floor Official, provided the price of the transaction does not affect the high, low, opening or closing price of the security on the day of the transaction. The Exchange proposes that Trading Officials provide the approvals required under Rule 128B.10.

○ Rule 128B.13 (Other errors) provides that a correction in the amount of a transaction reported erroneously to the tape by a party to the transaction, may be published on the tape on the day of the transaction, on the tape at least ten minutes prior to the opening on the following business day, or on the ''sales sheet'' within three business days of the transaction with the approval of a Floor Governor, Executive Floor Official, Senior Floor Official or Executive Floor Governor. The Exchange proposes that Trading Officials provide the approvals required under Rule 128B.13.

• Rule 308(g) (Acceptability Proceedings) provides that any person whose application has been disapproved by an Acceptability Committee, or any member of the Board, any member of the Committee for Review (''CFR''), any Executive Floor Governor, and the Division of the Exchange initiating the proceedings may

require a review by the Board of any determination of an Acceptability Committee. The Exchange proposes to delete Executive Floor Governors from the rule. The Exchange believes that the proposed change would not affect the procedural safeguards of the call for review process since there would still be interested parties that could call a matter for Board review. Specifically, directors and members of the CFR, including the person whose application was disapproved, would continue to be able to call disapproved membership applications for review, thereby ensuring the independence, integrity and fairness of the membership process. The Exchange does not believe that Trading Officials, who are not members and have no role in the member application process, should not have the ability to call matters involving membership applications for review.

• Rule 903(d)(ii) (Off-Hours Transactions) provides that a closing price order to buy (sell) a security for the account of the DMM registered in such security and approved by a Floor Official, coupled with a closing price order to sell (buy) to offset all or part of a market-on-close imbalance in the stock prior to the close, shall be executed upon entry. The Exchange proposes that a Trading Official would provide the required approval under the rule.

• Rule 906 (Impact of Trading Halts on Off-Hours Trading) provides that a closing price order to buy (sell) a security for the account of the DMM registered in such security and approved by a Floor Official coupled with a closing price order to sell (buy) to offset all or part of any market-on-close imbalance in the stock prior to the close, shall not be so canceled or precluded from entry as result of corporate developments during the Off-Hours Trading Session. The Exchange proposes that a Trading Official would provide the required approval under the rule.

• Finally, NYSE Listed Company Manual Section 202.04 (Exchange Market Surveillance) provides that a listed issue may be placed under special initial margin and capital requirements, which indicates a determination by the Exchange's Floor Officials that the market in the issue has assumed a speculative tenor and has become volatile due to the influence of credit, which, if ignored, may lead to unfair and disorderly trading. The reference to Floor Officials would be updated to Trading Officials.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5),[17] in particular, because it is 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 facilitating transactions in securities, 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.

In particular, the Exchange believes that creating a new category of Trading Official to replace member Floor Officials would promote just and equitable principles of trade and remove impediments to a free and open market by streamlining and modernizing the role of a Trading Official on the Floor. The volunteer member Floor Official is a self-regulatory vestige developed for manual trading. As noted, the Exchange introduced Staff Governors several years ago to address the shortfall in experienced members following the consolidation of trading space on the Exchange.[18] More recently, RTOs were introduced to perform certain functions performed by Floor Officials in connection with the Closing Auction.[19] The proposed rule change would complete the evolution of member Floor Officials to Trading Officials that are Exchange-trained and supervised staff, which is similar to how trading officials function on the options markets run by the Exchange's affiliates.[20] By replacing the variety and hierarchy of Floor Officials based on seniority with a single Trading Official appointed by the NYSE CEO, the Exchange would significantly simplify the appointment and retention of individuals with responsibility under the Exchange's rules to supervise and review trading on the Floor. Further, the proposal would contribute to the protection of investors and the public interest by ensuring that qualified Exchange staff continue to perform the formal roles prescribed by Exchange rules and provide a level of oversight to the marketplace on a day-to-day basis, thereby contributing to the maintenance of a fair and orderly marketplace on the Exchange. The Exchange believes that the substantive operation of those rules where the current Floor Official role would not be assumed by a Trading Official would remain unaffected, thereby contributing to the protection of investors and the public interest. As described above, claims under Rule 18(d) would continue to be validated and reviewed by Exchange employees; retention of the current Compensation Review Panel is unnecessary given that elimination of Floor Officials, which would leave the panels composed solely of Exchange employees. Similarly, disputes between members under Rule 75 involving a monetary difference of $10,000 or more or a questioned trade would continue to be afforded an expedited resolution; as noted, the Exchange believes that potentially significant disputes are more appropriate for resolution by traditional arbitration rather than an expedited process involving a panel of Exchange employees. Further, the primarily regulatory determinations under Rules 103.10 and 103B(G) would continue to be made by regulatory staff; the Exchange does not believe that consultation with a Trading Official is either necessary or appropriate in situations involving temporarily reallocation of securities. Similarly, the procedural safeguards of the call for review process in Rule 308(g) would not be affected by elimination of Executive Floor Governors because directors and members of the CFR, including persons whose application are disapproved, would continue to be able to call disapproved membership applications for Board review under the rule, thereby preserving the safeguard of Board review of disputed disapprovals.

Finally, the Exchange believes that the conforming and technical changes would 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 because the proposed non-substantive changes would add clarity, transparency and consistency to the Exchange's rules. The Exchange believes that market participants would benefit from the increased clarity, thereby reducing potential confusion and ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Release No. 57627, 73 FR at 19920.

[19] As noted above, the Exchange has separately proposed to delete Rule 46B because RTOs would no longer have a role under Exchange rules. *See* NYSE Close Proposal, *supra* note 10.

[20] *See* NYSE American LLC (''NYSE American'') Rule 900.2NY(82) and NYSE Arca, Inc. (''NYSE Arca'') Rule 6.1–O(b)(34).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but is rather concerned with transferring Floor Official duties and responsibilities under Exchange rules to staff Trading Officials. The Exchange believes the proposed rule changes would streamline and modernize the role of the trading official on the Floor, thereby contributing to the maintenance of a fair and orderly marketplace on the Exchange to the benefit of all members and member organizations and the investing public. Moreover, since the proposal does not substantively modify system functionality or processes on the Exchange, the proposed changes will not impose any burden on competition.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSE–2020–105 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [21] 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. 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.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[22] 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 Sections 6(b)(3) and 6(b)(5) of the Exchange Act.[23] Section 6(b)(3) of the Exchange Act requires, among other things, that the rules of an exchange assure a fair representation of its members in the administration of its affairs.[24] Section 6(b)(5) of the Exchange Act requires 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 open market and a national market system, and, in general, to protect investors and the public interest.[25] Section 6(b)(5) of the Exchange Act also requires that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[26]

V. 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 Sections 6(b)(5) of the Exchange Act, any other provision of the Exchange Act, or any other rule or regulation under the Exchange Act. 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 April 26, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by May 10, 2021. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following:

1. Under this proposed rule change, Floor Officials would be eliminated and their duties would be assumed by Trading Officials. Further, while current Floor Officials may be employees of member firms or of the Exchange, all Trading Officials would be Exchange employees. Do commenters have any concerns regarding the inability of employees of member firms to serve as Trading Officials? What are commenters' views on whether the proposed rule change raises issues related to fair representation of member firms in the administration of the Exchange's affairs? What are commenters' views on whether permitting only Exchange employees to be Trading Officials would create or alter conflicts of interest, if any, faced by Trading Officials in performing their duties?

2. Currently, Floor Officials who are member employees must complete educational programs prescribed by the Exchange, including mandatory continuing education programs. Do commenters believe that specified mandatory training should be required of Trading Officials under the proposal? Do commenters believe that employees of member firms may have relevant experience or knowledge that is important for performing the duties of a Trading Official?

3. Do commenters have any views on any other aspect of the Exchange's proposal?

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–NYSE–2020–105 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–NYSE–2020–105. 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

[21] 15 U.S.C. 78s(b)(2)(B).

[22] *Id.*

[23] 15 U.S.C. 78f(b)(3) and (b)(5).

[24] 15 U.S.C. 78f(b)(3).

[25] 15 U.S.C. 78f(b)(5).

[26] *Id.*

[27] Rule 700(c)(2) of the Commission's Rules of Practice provides that ''[t]he Commission, in its sole discretion, may determine whether any issues relevant to approval or disapproval would be facilitated by the opportunity for an oral presentation of views.'' 17 CFR 201.700(c)(2).

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 these filings 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–NYSE–2020–105 and should be submitted on or before April 26, 2021. Rebuttal comments should be submitted by May 10, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06885 Filed 4–2–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before May 5, 2021.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Curtis.Rich@sba.gov;* (202) 205–7030, or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: For SBA financial assistance programs, SBA Form 413 Personal Financial Statement (PFS) collects information regarding the assets and liabilities of certain owners, officers and guarantors of the small business applicant benefiting from such assistance and is used when analyzing the applicant's repayment abilities or creditworthiness. SBA's Surety Bond Guaranty Program uses the Form 413 PFS information during the claim recovery process. The information is also collected from applicants and participants in SBA's 8(a)/BD and Women-Owned Small Business (WOSB) Program certification process to determine whether they meet the economic disadvantage requirements of the program.

SBA currently has four versions of the Form 413 PFS. The Agency plans to consolidate and streamline these into one Form 413 which will be used across the various program offices. SBA plans to expand and clarify the instructions for the Form 413 to ensure the public will be aware of the specific submission process for each program office. Lastly, the Form 413 may undergo significant formatting changes to make it easier to address mandatory Federal government 508 accessibility compliance.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0188.

Title: Personal Financial Statement.

SBA Form Number: SBA Forms 413 7(a)/504/SBG, 413 Disaster, 413 8(a) and 413 WOSB.

Description of Respondents: 7(a) and 504 loan Program applicants, Surety Bond Program recovery claimants, Disaster Loan Program applicants excluding sole proprietors and individuals, 8(a)/BD and WOSB Program applicants.

Estimated Annual Responses: 371,108.

Estimated Annual Hour Burden: 391,812.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–06895 Filed 4–2–21; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2020–0012]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision of an OMB-approved information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2020–0012].

SSA submitted the information collection below to OMB for clearance. Your comments regarding this information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 5, 2021.

[28] 17 CFR 200.30–3(a)(57).

Individuals can obtain copies of this OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Electronic Consent Based Social Security Number Verification—20 CFR 400.100—0960–0817. The electronic Consent Based Social Security Number Verification (eCBSV) is a fee-based Social Security Number (SSN) verification service that allows permitted entities (a financial institution as defined by Section 509 of the Gramm-Leach-Bliley Act. 42 U.S.C. 405b(b)(4), Public Law 115–174, Title II, 215(b)(4), or service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution), to verify that an individual's name, date of birth (DOB), and SSN match our records based on the SSN holder's signed—including electronic—consent in connection with a credit transaction or any circumstance described in section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).

Background

We created this service due to section 215 of the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (Banking Bill), Public Law 115–174. Permitted entities are able to submit an SSN, name, and DOB of the number holder in connection with a credit transaction or any circumstances described in Section 604 of the Fair Credit Reporting Act to SSA for verification via an application programming interface. The purpose of the information collection is for SSA to verify for the permitted entity that the submitted SSN, name and DOB matches, or does not match, the data contained in our records. After obtaining number holders' consents, a permitted entity submits the names, DOBs, and SSNs of number holders to the eCBSV service. SSA matches the information against our Master File, using SSN, name, and DOB. The eCBSV service will respond in real time with a match/no match indicator (and an indicator if our records show that the number holder died). SSA does not provide specific information on what data elements did not match, nor does SSA provide any SSNs or other identifiable information. The verification does not authenticate the identity of the number holders or conclusively prove the number holders we verify are who they are claiming to be.

Consent Requirements

Under the eCBSV process, the permitted entity does not submit the number holder's consent forms to SSA. SSA requires each permitted entity to retain a valid consent for each SSN verification request submitted for a period of 5 years. The agency permits the permitted entity to retain the consent in an electronic format.

SSA requires a wet or electronic signature on the consent. A permitted entity may request verification of a number holder's SSN on behalf of a financial institution pursuant to the terms of the Banking Bill, the user agreement between SSA and the permitted entity, and the SSN Holder's consent. In this case, the permitted entity ensures that the financial institution agrees to the terms in the user agreement, which require the SSN verification be used only for the purpose stated in the consent, and prohibits entities from further using or disclosing the SSN verification. This relationship is subject to the terms in the user agreement between SSA and the permitted entity.

Compliance Review

SSA requires each permitted entity to undergo compliance reviews. An SSA approved certified public accountant (CPA) conducts the compliance reviews. The compliance reviews are designed to ensure that the permitted entities meet all terms and conditions of the user agreement, including that the permitted entities obtain valid consent from number holders. The permitted entity pays all compliance review costs through the eCBSV fees. In general, we request annual reviews with additional reviews as necessary. The CPA follows review standards established by the American Institute of Certified Public Accountants and contained in the Generally Accepted Government Auditing Standards (GAGAS).

This information collection request is for the expanded rollout of eCBSV. The previous eCBSV clearance was for an initial rollout to 10 selected permitted entities. During the initial rollout, we wanted to troubleshoot the service and make any necessary adjustments prior to opening eCBSV to all permitted entities. The respondents to the eCBSV information collection are the permitted entities; members of the public who consent to SSN verifications; and CPAs who provide compliance review services.

Type of Request: Revision of an OMB-approved information collection.

Requirement	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
(a) Complete eCBSV enrollment process ***	113	1	120	226	* $37.56	** $8,489
(a) Configure customer system for ability to send in verification requests	113	1	2,400	4,520	* 37.56	** 169,771
(a) People whose SSNs SSA will verify—Reading and Signing	1,100,000,000	1	3	55,000,000	* 10.95	** 602,250,000
(a) Sending in the verification request, calling our service, getting a response	1,100,000,000	1	1	18,333,333	* 37.56	** 688,599,987
(b) Follow SSA requirements to configure application program interface	113	1	4,800	9,040	* 37.56	** 339,542
(c) CPA Compliance Review and Report ****	113	1	4,800	9,040	* 38.23	** 345,599

Requirement	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Totals	2,200,000,452			73,356,159		** 1,291,713,388

* We based these figures on average Business and Financial operations occupations (*https://www.bls.gov/oes/current/oes130000.htm*), and Accountants and Auditors hourly salaries (*https://www.bls.gov/oes/current/oes132011.htm*), as reported by Bureau of Labor Statistics data, and average DI payments, as reported in SSA's disability insurance payment data (*https://www.ssa.gov/legislation/2021FactSheet.pdf*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

*** The enrollment process is automated within the eCBSV Customer Connection, and entails providing consent for SSA to verify the EIN, electronically signing the eCBSV User Agreement and the permitted entity certification, selecting their annual tier level, and linking to *pay.gov* to make payment for services.

**** There will be one CPA firm respondent (an SSA-approved contractor) to conduct compliance reviews and prepare written reports of findings on the 113 permitted entities.

Cost Burden

The public cost burden is dependent upon the number of permitted entities using the service and the annual transaction volume. In FY 2019, 10 companies enrolled out of 123 applications received to participate in eCBSV. We based the cost estimates below on 123 participating permitted entities in FY 2021 submitting an anticipated volume of 1,100,000,000 transactions. The total cost for developing the service is $45,000,000, and SSA will recover the cost over a five-year period, assuming projected enrollments and transaction volumes materialize.

eCBSV TIER FEE SCHEDULE

Tier	Annual volume threshold	Annual fee
1	Up to 1,000	$400
2	Up to 10,000	3,030
3	Up to 200,000	14,300
4	Up to 50 million	276,500
5	Up to 2 billion	860,000

Each enrolled permitted entity will be required to remit the above tier based subscription fee for the 365-day agreement period and the appropriate administrative fee. We will charge newly enrolled entities a startup administrative fee of $3,693. After the initial year, we will charge the entities a renewal administrative fee of $1,691 each time the agreement is renewed or amended. Fees are calculated based on forecasted systems and operational expenses, agency oversight, overhead, and CPA audit contract costs.

In addition, SSA will periodically recalculate costs to provide eCBSV services, and revise the tier fee schedule accordingly. We will notify companies of the tier fee schedule in effect at the renewal of eCBSV user agreements and via notice in the **Federal Register**; companies have the opportunity to cancel the agreement or renew service according to the new tier fee schedule.

Dated: March 31, 2021.

Eric Lowman,

Acting Reports Clearance Officer, Office of Legislative Development and Operations, Social Security Administration.

[FR Doc. 2021–06962 Filed 4–2–21; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2021–2063]

Petition for Exemption; Summary of Petition Received; United Parcel Service Company

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 26, 2021.

ADDRESSES: Send comments identified by docket number FAA–2021–0173 using any of the following methods:

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

Privacy: 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 *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Heidi L. Hunt (202) 267–7806, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2021–0173.

Petitioner: United Parcel Service Company.

Section(s) of 14 CFR Affected: § 121.463(a)(2) and (c).

Description of Relief Sought: United Parcel Service Company petitions for relief from § 121.463(a)(2) and (c) for an aircraft dispatcher with impaired mobility. This relief, if granted, would allow the aircraft dispatcher to meet the initial and annual recurrent operating familiarization by remotely observing live streamed audio and video of a Line-Oriented Flight Training conducted in a § 121.408 approved Full Flight Simulator (FFS) in lieu of conducting the operating familiarization from an aircraft flight deck or in an FFS approved under § 121.407.

[FR Doc. 2021–06959 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0034]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on March 9, 2021, Appalachian and Ohio Railroad, Inc. (A&O) and CSX Transportation (CSXT) jointly petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2021–0034.

Applicants: Appalachian and Ohio Railroad, Inc., J. Thomas Garrett, President, 200 Clark Street, Paducah, KY 42003

CSX Transportation, Carl A. Walker, Chief Engineer Communications and Signals, 500 Water Street, Speed Code J–350, Jacksonville, FL 32202

Specifically, A&O and CSXT request approval to discontinue the traffic control system (TCS) on CSXT owned, dispatched, and maintained trackage, being leased and operated by A&O. The track spans from, but does not include, control point (CP) Berkeley Run Junction, milepost (MP) BUC 0.0 Grafton, West Virginia, to CP Hampton Junction, MP BUC 42.1, Buckhannon, West Virginia, including signaled sidings. A&O will install a new and modern broken rail detection system (BRDS) in Philippi, West Virginia, from MP 13.3 to MP 16.4, and Buckhannon, West Virginia, from MP 32.2 through MP 39.3, on the Cowen District Main Line, and in Pleasant Creek Bridge, MP 5.5 through MP 7.2.

If this modification is made, the entire A&O will operate under Track Warrant Control Rules and will be dispatched by A&O. The BRDS will be designed to detect broken rails and misaligned switches. Switch circuit controllers and normally energized shunt-sensitive track circuits will constantly monitor switch positions and rail integrity. Each BRDS block will be defined by wayside indicators for displaying block information to train crews at the block's entrance. A&O and CSXT state the reasons for the proposed changes are that traffic volumes do not warrant TCS and that the current signal system is obsolete and replacement components are difficult to obtain or unavailable from vendors.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 20, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–06948 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2008–0166]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 25, 2021, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 218, Railroad Operating Practices. FRA assigned the petition Docket Number FRA–2008–0166.

Specifically, UPRR seeks continued relief from blue signal requirements as prescribed in 49 CFR 218.25, *Workers on a main track,* on five specific track locations in Kansas City, Kansas, and Kansas City, Missouri. The subject tracks are in the middle of the Kansas City facilities and are used for functions normally performed on yard tracks, including fueling, locomotive inspections, and adding or removing power from trains. This request is for the following track locations:

- Main 1 and Main 2, between Manchester and Troost (MP MX279–MX281);
- Main 1 and Main 2 at 18th St., between MP KX004 and KX006; and
- Main line at 10th St., between MP KX287 and KX289.

UP requests flexibility to treat these main tracks at the Kansas City facilities as other-than-main-tracks, so it can have the option of protecting its employees working on, under, or between rolling equipment in accordance with 49 CFR 218.25, *Workers on a main track,* or 49 CFR 218.27, *Workers on track other*

than main track, or a combination of both regulations.

UP states that the safest and most efficient method of protecting its employees in the Kansas City facilities is by a combination of blue signal protection and remotely-controlled switches. UP explains that it has operated under the requirements of this waiver since 2009 without any adverse effects on safety of operations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 20, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–06950 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2007–28454]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 23, 2021, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) for an extension and expansion of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices. FRA assigned the petition Docket Number FRA–2007–28454.

UPRR's current waiver provides conditional relief from the requirements for performing the single car air brake test (SCABT) as prescribed in 49 CFR 232.305(b)(2), *Single car air brake tests.* The relief allows UPRR to replace non-FRA condemnable wheelsets on railcars as part of an in-train wheelset replacement program at North Platte, Nebraska, without the need to also perform the SCABT as required, if the car has not received a SCABT within the previous 12 months.

In this petition, UPRR requests to expand the scope of conditions one and two of FRA's decision letter, dated September 6, 2018. In condition one, UPRR requests to extend the relief of in-train wheel replacement beyond the North Platte, Nebraska, facility to also include the Roseville, California, facility. In condition two, UPRR requests to expand the applicability of the waiver beyond empty coal cars in unit train service to also include covered hopper cars in unit train service. UPRR additionally requests that the relief be extended.

UPRR states that the original waiver and subsequent extensions have had no adverse effect on safety, and that UPRR has operated under the guidelines set forth in the waiver.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 20, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–06951 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0049]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on March 18, 2021, BNSF Railway Company (BNSF) petitioned the Federal Railroad Administration (FRA) for an expansion of a current waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices. FRA assigned the petition Docket Number FRA–2018–0049.

The existing waiver provides BNSF certain relief from 49 CFR 232.15, *Movement of defective equipment;* 49 CFR 232.103(f), *General requirements for all train brake systems;* and 49 CFR 232.213, *Extended haul trains;* and a statutory exemption from the requirements of title 49, United States Code section 20303. BNSF seeks to expand the scope of the waiver to include coal trains operating over the Pikes Peak Subdivision in Colorado and across the Sand Hills Subdivision in Nebraska.

On April 12, 2019, FRA granted BNSF a test waiver to conduct a pilot program on a segment of its system to ''demonstrate that the use of wheel temperature detectors to prove brake health effectiveness (BHE) will improve safety, reduce risks to employees, and provide cost savings to the industry.''

In its current petition, BNSF states the test waiver committee for BHE has been actively reviewing the data generated since August 2018, and during that time, BNSF has tested more than 5,500 trains. In building on the test waiver success of the Southern Transcon intermodal trains and the Northern Transcon grain trains, BNSF requests to expand its BHE initiative on BNSF's coal network in a two-phrase program: (1) The addition of the Pike's Peak route with detectors at Monument and Castle Rock, and (2) the addition of the Sand Hills route with detectors at testing sites.

BNSF states that coal trains in this program would be subject to the same requirements for training completion of all related work groups, and the detectors would not be activated until training records are provided to the test waiver committee. BNSF is prepared to begin training on BHE processes in Denver, Colorado; Alliance, Nebraska; Temple, Texas; and Amarillo, Texas, in March and May 2021.

BNSF asserts the expansion would increase the braking improvements on the equipment, increase the number of waiver trains, and enable more locations to complete the automatic single car tests. BNSF explains it has installed, tested, and validated the required detectors at the Pike's Peak site. These detectors were installed to continue the BHE testing in a cold weather climate and location that allows for the testing of southbound loaded coal trains. BNSF proposes that the processes and parameters would follow all conditions of the Southern Transcon intermodal BHE Program, but differ in that the trains ''cycle'' and stay intact in unit train operations, similar to the Northern Transcon grain trains.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 20, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–06949 Filed 4–2–21; 8:45 am]

BILLING CODE 4910–06–P

FEDERAL REGISTER

Vol. 86 Monday,

No. 63 April 5, 2021

Part II

The President

Notice of April 1, 2021—Continuation of the National Emergency With Respect to Somalia

Federal Register
Vol. 86, No. 63
Monday, April 5, 2021

Presidential Documents

Title 3—

The President

Notice of April 1, 2021

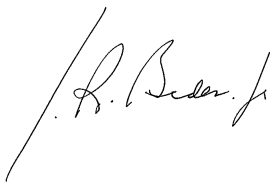
Continuation of the National Emergency With Respect to Somalia

On April 12, 2010, by Executive Order 13536, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council.

On July 20, 2012, the President issued Executive Order 13620 to take additional steps to deal with the national emergency declared in Executive Order 13536 in view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, and to address: exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The situation with respect to Somalia continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on April 12, 2010, and the measures adopted on that date and on July 20, 2012, to deal with that threat, must continue in effect beyond April 12, 2021. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13536.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
April 1, 2021.

[FR Doc. 2021–07124
Filed 4–2–21; 11:15 am]
Billing code 3295–F1–P

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